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## NOVEMBER MEETING.

THE stated meeting was held on Thursday, the 9th instant, at three o'clock, P. M.; the PRESIDENT in the chair.

The record of the last meeting was read and approved; and the Librarian reported the list of donors since the last meeting.

The Cabinet-Keeper reported the gift, by Mr. Davis, of a medal, of which only a very small number were struck, commemorative of his father, Governor John Davis. The original profile, from which this representation is copied, is in marble, and hangs in the gallery of the Senate, at the State House. Another example in the Appleton Collection bears the names of Knox and Lang, and the profile that of C. Lang.<sup>1</sup>

The Corresponding Secretary reported the receipt of a letter from George Foot Moore, accepting his election as a Resident Member.

The Editor read part of a letter from John Bigelow to the President, in which he stated:

I send you a New England Primer which was printed when I was but nine years old. It is different in many respects from the Westminster Catechism with which I was laboring about that year. It appeared about the time when Massachusetts was beginning to shed its Calvinism, which I suppose in part accounts for its being fortified by the Episcopal and the Assembly of Divines's Catechisms. Why such a Primer for New England should have been printed in Broadway, New York, and called the New England Primer, is a question for the "quidnuncs" of your Historical Society. It reached me in — as you may suppose — a pretty ragged cover, which I have replaced by a more modern costume. I send this Catechism to you, on the chance that you may not have a copy in your Society's library. If you have not, it will be worth to you its board and lodging. If you have already a copy, you may dispose of it as an impostor.<sup>2</sup>

<sup>1</sup> See 2 *American Antiquarian Society Proceedings*, ix. 334, 335.

<sup>2</sup> The title reads: The | New-England | Primer, | improved, | for the more easy Attaining the true | Reading of English. | Adorned with Cuts. | To which is added, | the Episcopal | and | the Assembly of Divines' | Cate-

Gamaliel Bradford, Jr., of Wellesley, was elected a Resident Member of the Society.

Mr. BOWDITCH, on behalf of Miss Mary P. Nichols, of Boston, presented to the Society some old manuscripts, and read a portion of one, "Charles Chatterbox's Will," a name given to William Biglow (1773-1844), head master of the Boston Latin School from 1805 to 1814.<sup>1</sup>

### CHARLES CHATTERBOX'S WILL.

A Will, being the last words of Charles Chatterbox esq. late worthy and much lamented member of the Laughing Club of Harvard University, who departed college life, June 21st, 1794. in the 21st year AET.<sup>2</sup>

I Charley Chatterbox sound of mind  
To making fun am much inclined;  
So having cause to apprehend  
My College life is near its end,  
All future quarrels to prevent,  
I seal this will and testament.

My soul and body while together.  
I send the storms of life to weather;  
To steer as safely as they can,  
To honor God, and profit man.

Imprimis, then my bed and bedding,  
My only chattels worth the sledding,  
Consisting of a maple stead,  
A counterpane and covered,  
Two cases with the pillows in,  
A blanket, cord, a winch and pin,  
Two sheets, a featherbed, and haytic,  
I order sledded up to Natick;  
And that with care the sledder save  
them  
For those kind parents first who gave  
them.

Item. The laughing club so blest,  
Who think this life, what 'tis, a jest  
Collect its flowers from every spray,  
And laugh its goading thorns away;

From whom tomorrow I dissever,  
Take one sweet grin, and leave forever;  
My chest and all that in it is,  
I give and I bequeath them, viz;  
Westminster grammar old and poor,  
Another one compiled by Moor,  
A bunch of pamphlets pro and con,  
The doctrine of sal-va-ti-on,  
The college laws, I 'm free from mind-  
ing,

A Hebrew psalter, stript from binding,  
A Hebrew bible, too, lies nigh it,  
Unsold, because no one would buy it.

My manuscript, in prose and verse,  
They take for better and for worse;  
Their minds enlighten with the best,  
And pipes and candles with the rest,  
Provided that from them they cull  
My college exercises dull,  
On threadbare theme with mind un-  
willing.

Strained out thro' fear of fine one  
shilling,

To teachers paid to avert an evil,  
Like Indian worship to the devil.  
The abovenamed manuscript I say,  
To club aforesaid I convey,

chisms. | New-York: | Printed and Published by George Long. | No. 161  
Broadway. | 1826. Pp. 71.

<sup>1</sup> *Catalogue of the Boston Public Latin School*, 8 n. and p. 45 of the Historical Sketch by Henry F. Jenks.

<sup>2</sup> Found among the effects of Benjamin W. Nichols. The ms. bears a note in the writing of Benjamin R. Nichols, "Charles Chatterbox, alias William Bigelow."

Provided that said themes so given,  
Full proofs that genius wont be driven,  
To our physicians be presented  
As the best opiates yet invented.

Item. The Government of college  
Those liberal hellions of knowledge,  
Who e'en in these degenerate days,  
Deserve the world's unceasing praise;  
Who, friends of science and of men,  
Stand forth Gomorrah's righteous ten,  
On them I nought, but thanks bestow,  
For like my cash my credit's low;  
So I can give nor clothes nor wines  
But bid them welcome to my fines.

Item. My study desk of pine,  
That work-bench sacred to the nine,  
Which oft has groaned beneath my  
metre  
I give, to pay my debts, to PETER.

Item. Two penknives with white  
handles  
A bunch of quills, and pound of candles  
A lexicon compiled by Cole,  
A pewter spoon, and earthen bowl,  
A hammer, and two homespun towels,  
For which I yearn with tender bowels;  
Since I no longer can control them,  
I leave to those shy lads who stole them.

Item. A gown much greased in com-  
mons,  
A hat between a man's and woman's,

A tattered coat of college blue,  
A fustian waistcoat torn in two,  
With all my rust through college  
carried,  
I give to classmate O—<sup>1</sup> who's mar-  
ried.

Item. C— P—<sup>2</sup> has my knife  
During his natural college life.  
That knife which ugliness inherits,  
And due to his superior merits.  
And when from Harvard he shall  
steer,  
I order him to leave it here,  
That 't may from class to class de-  
scend,  
Till time and ugliness shall end.

The said C— P—s, humor's son,  
Who long shall stay when I am gone,  
The muses' most successful suitor,  
I constitute my executor;  
And for his trouble to requite him,  
Member of laughing club I write him.  
Myself on life's broad sea I throw,  
Sail with its joy or stem its wo,  
No other friend to take my part,  
Than careless head and honest heart.  
My purse is drained; my debts are paid;  
My glass is run; my will is made,  
To beauteous C A M. I bid adieu,  
And with the world begin anew.

June 20, 1794.

### ISAAC HULL TO NATHANIEL SILSBEE.<sup>3</sup>

Governor LONG read a copy of a letter from Commodore Isaac Hull, as follows:

NAVY YARD, CHARLESTOWN, Nov. 29, 1820.

MY DEAR SIR, — I had great hopes that you would have given me a call before you left for Washington, that I might have an opportunity to show you the Establishment, and I wished very much to have had a conversation with you on the subject of Commodore Bainbridge's letter to you on Rank and Command. And since you left circumstances have occurred on that subject that, in my opinion, will go far to ruin the Navy, if the subject is not put to rest by the

<sup>1</sup> Jesse Olds.

<sup>2</sup> Charles Prentiss, of the next class, that of 1795.

<sup>3</sup> Member of Congress.

Government. If we cannot get a permanent Grade, the nominal one of Commodore must be done away; if not there will be as many affairs of honor as they are called as there are nominal Flags; for it cannot be supposed that the President intended, in giving the command of one or more ships to some of the youngest Captains with the nominal rank of Commodore, that he intended to give them permanent rank and honor. If so there is an end to the Service, and I hope if the question is brought forward an inquiry will be made, whether the President did intend permanent honors, etc., when giving those Commands. Believe me, it is a subject that ought to attract the attention of both Houses. The Navy Department must have considered that there were permanent honors attached to the rank of Commodore, or why should they, after that command ceased, address letters to "Captain" Isaac Hull, to "Commodore" Isaac Chauncey, "Commodore John Shaw," "Commodore Charles Morris, Commodore Sinclair, Commodore Macdonough, Commodore Patterson; and forty other Commodores that were Midshipmen when I was a post Captain? I am now informed that those Commodores have commenced a correspondence with each other to endeavor to make interest with their friends to get their rank confirmed. You must readily conceive what my feelings are to see their letters come addressed to them as Commodores, and by the same mail mine are directed to "Captain Hull."

In short, my dear sir, it will be impossible to prevent duelling and all sorts of quarrels unless Rank and Command is better defined, understood, and practised, than it now is. Will you write me if anything is likely to take place in consequence of this effort that is to be made, that in your opinion is likely to injure my reputation or Rank? With very great regard and respect, I am, sir, your friend and obdt. servant,

ISAAC HULL.

#### PAYMENTS TO PROVINCIAL OFFICIALS.

By way of supplement to Professor Channing's remarks on London records of payments to officers of the Province of Massachusetts Bay,<sup>1</sup> Mr. BIGELOW presented certain memoranda of payments to the same officers out of the Province Treasury, and made some comments upon the subject. He mentioned the fact also that payments in considerable sums were regularly made out of the Province Treasury to the judges of the Superior

<sup>1</sup> See p. 7, *supra*.

Court, and referred to the well-known controversy between the Crown and the Province in regard to the question of the source of compensation for the Governor. The memoranda are as follows:

Amts. paid.      Paid to Spencer Phips, Lieutenant Governor.

| £     | s | p |                         | Vol.              | p.  | year.    |
|-------|---|---|-------------------------|-------------------|-----|----------|
| 100   | 0 | 0 | Services                | XIII <sup>1</sup> | 173 | 1742-'43 |
| 15    | 0 | 0 | Entertaining Committees | "                 | 342 | 1743-'44 |
| 150   | 0 | 0 | Services                | "                 | 542 | 1745-'46 |
| 100   | 0 | 0 | Capt. of Castle William | XIV               | 98  | 1747-'48 |
| 200   | 0 | 0 | Services                | "                 | 382 | 1749-'50 |
| 80    | 0 | 0 | Services                | "                 | 496 | 1750-'51 |
| 300   | 0 | 0 | Services                | XV                | 425 | 1755-'56 |
| 300   | 0 | 0 | Services                | "                 | 538 | 1756-'57 |
| 300   | 0 | 0 | Services                | "                 | 677 |          |
| 1,545 | 0 | 0 |                         |                   |     |          |

Paid to Andrew Oliver, Secretary.

| £   | s  | p |                                                     | Vol. | p.   | year.    |
|-----|----|---|-----------------------------------------------------|------|------|----------|
| 50  | 0  | 0 | Services                                            | XVI  | 128  | 1757-'58 |
| 90  | 0  | 0 | Extraordinary services                              | "    | 128  |          |
| 50  | 0  | 0 | Services                                            | "    | 264  |          |
| 90  | 0  | 0 | Extraordinary services                              | "    | 265  |          |
| 80  | 10 | 0 | Making entries for Govts poor & distress'd servants | "    | 290  |          |
| 50  | 0  | 0 | Services                                            | "    | 474  | 1759-'60 |
| 90  | 0  | 0 | Extraordinary services                              | "    | 474  |          |
| 50  | 0  | 0 | Services                                            | "    | 651. | 1760-'61 |
| 120 | 0  | 0 | Extraordinary services                              | "    | 699  |          |
| 40  | 0  | 0 | Entries for Govts poor & distress'd servants        | "    | 699  |          |
| 70  | 0  | 0 | Extraordinary services                              | "    | 700  |          |
| 50  | 0  | 0 | Services                                            | XVII | 158  | 1761-'62 |
| 70  | 0  | 0 | Extraordinary services                              | "    | 158  |          |
| 64  | 0  | 0 | Extra extraordinary services                        | "    | 180  |          |
| 50  | 0  | 0 | Services                                            | "    | 313  | 1762-'63 |
| 90  | 0  | 0 | Extraordinary services                              | "    | 313  |          |
| 60  | 0  | 0 | Extraordinary Ser. for soldiers fees                | "    | 333  |          |
| 50  | 0  | 0 | Services                                            | "    | 456  | 1763-'64 |
| 90  | 0  | 0 | Extraordinary services                              | "    | 457  |          |
| 60  | 0  | 0 | Extraordinary services                              | "    | 463  |          |
| 50  | 0  | 0 | Services                                            | "    | 600  | 1764-'65 |
| 90  | 0  | 0 | Extraordinary services                              | "    | 600  |          |
| 60  | 0  | 0 | Extraordinary services                              | "    | 607  |          |

1,564 10 0

<sup>1</sup> *Province Laws.*

## Paid to Andrew Oliver, Secretary.

| £         | s | p |                            | Vol.  | p.  | year.    |
|-----------|---|---|----------------------------|-------|-----|----------|
| 50        | 0 | 0 | Services                   | xviii | 87  | 1765-'66 |
| 90        | 0 | 0 | Extraordinary services     | "     | 87  |          |
| 100       | 0 | 0 | Assistants pay             | "     | 104 |          |
| 90        | 0 | 0 | Extraordinary services     | "     | 182 | 1766-'67 |
| 50        | 0 | 0 | Services                   | "     | 182 |          |
| 100       | 0 | 0 | Assistants pay             | "     | 197 |          |
| 50        | 0 | 0 | Services                   | "     | 283 | 1767-'68 |
| 90        | 0 | 0 | Extraordinary services     | "     | 284 |          |
| 100       | 0 | 0 | Assistants pay             | "     | 289 |          |
| 50        | 0 | 0 | Services                   | "     | 388 | 1769-'70 |
| 90        | 0 | 0 | Extraordinary services     | "     | 388 |          |
| 100       | 0 | 0 | Assistants pay             | "     | 391 |          |
| 50        | 0 | 0 | Services                   | "     | 441 |          |
| 90        | 0 | 0 | Extraordinary services     | "     | 441 |          |
| 100       | 0 | 0 | Assistants pay             | "     | 445 |          |
| 175       | 0 | 0 | Ordinary and extraordinary | "     | 497 | 1770-'71 |
| 100       | 0 | 0 | Pay for Assistants         | "     | 521 |          |
| 1,475 0 0 |   |   |                            |       |     |          |

## Paid to Thomas Hutchinson, Governor.

| £        | s  | p |                             |       |     | year.    |
|----------|----|---|-----------------------------|-------|-----|----------|
| 2        | 13 | 4 | Care of French Inhabitants  | xvi   | 176 | 1757-'58 |
| 80       | 0  | 0 | Serving the public          | "     | 320 | 1758-'59 |
| 80       | 0  | 0 | Extra service (Lieut. Gov.) | "     | 463 | 1759-'60 |
| 40       | 0  | 0 | Lieut. Gov. sundry services | xvii  | 268 | 1762-'63 |
| 30       | 0  | 0 | " " services                | "     | 361 |          |
| 30       | 0  | 0 | Gov. bounds, Mass. & N. Y.  | "     | 570 | 1764-'65 |
| 40       | 0  | 0 | Chief Justice               | "     | 599 |          |
| 40       | 0  | 0 | Chief Justice               | xviii | 86  | 1765-'66 |
| 40       | 0  | 0 | Chief Justice               | "     | 181 | 1766-'67 |
| 40       | 0  | 0 | Chief Justice               | "     | 283 | 1767-'68 |
| 422 13 4 |    |   |                             |       |     |          |

The controversy between the Crown and the Province in regard to the right of payment of the Governor's compensation came up for action in the Legislature in April, 1771. The first stages of the controversy may be presented here. They are as follows:

April 12, 1771. An Engross'd Bill for granting the Sum of Five Hundred and six Pounds to his Excellency Thomas Hutchinson, Esq; in Consideration of his Services while Lieutenant Governor. — Read and pass'd to be enacted. *House Journal*, xvii. 210.

April 12, 1771. An Engross'd Bill for granting the Sum of Thirteen Hundred Pounds for the Support of his Majesty's Governor. — Read and pass'd to be enacted. *House Journal*, xvii. 210.

April 25, 1771.

May it please your Excellency.

The House of Representatives after Enquiry of the Secretary cannot be made certain whether you have yet given your Assent to two Bills which were laid before your Excellency early in this Session: The one for granting the Sum of Five Hundred and six Pounds for your Services when Lieutenant Governor and Commander in Chief; and the other for granting the usual Sum of Thirteen Hundred Pounds, to enable your Excellency, as Governor, to carry on the Affairs of this Province.

And, as your Excellency was not pleas'd to give your Assent to another Bill pass'd in the last Session of this Assembly, for granting the Sum of Three Hundred and twenty-five Pounds for your Services, when in the Chair, as Lieutenant Governor, the House are apprehensive that you are under some Restraint; and they cannot account for it upon any other Principle, but your having Provision for your Support in some new and unprecedented Manner. If the Apprehensions of the House are not groundless, they are solicitous to be made certain of it, before an End is put to the present Session; and think it their Duty to pray your Excellency to inform them, whether any Provision is made for your Support, as Governor of this Province, independent of his Majesty's Commons in it. *House Journal*, xvii. 246.

A message from his Excellency the Governor.

I could not, consistent with my Duty to the King, give my Assent to the Bill passed the last session for granting Three Hundred and twenty-five Pounds for my Support. Before the Close of the present Session I shall assent to or reject the Bills which shall have passed the two Houses as it shall appear to me the same Duty requires of me.

You are solicitous to be informed whether any Provision is made for my Support as Governor of the Province independent of his Majesty's Commons in it. By the Expression His Majesty's Commons I suppose you would be understood to intend the House of Representatives. I must observe to you that the King, Lords and Commons, our Supreme Legislature, have determined it to be expedient to enable his Majesty to make a certain and adequate Provision for the Support of the Civil Government in the Colonies as His Majesty shall judge necessary.

I will not enter into a Dispute with you upon the Propriety of this Provision. It may not however be amiss to acquaint you that I have not received the full Instructions and other Appendages

to His Majesty's Commission which I have Reason to expect. When I shall receive them I will communicate such Part of them to the House of Representatives as I shall think for his Majesty's Service.

In the mean Time I am the only sufferer by declining or delaying my Assent to any Bills for my Support, and I think your Constituents will not blame me for being willing to avoid burdening them with this Support by the Increase of the Tax upon their Polls and Estates whilst there is any Probability that it may have been provided for in another Way.

T. HUTCHINSON.

Cambridge 25 April, 1771. *House Journal*, xvii. 252.

Mr. Bigelow also presented some memoranda of traces of primogeniture in Massachusetts, extending nearly down to the Revolution; remarking upon the long survival here, under new conditions, of a monarchic institution. "It was," said Mr. Bigelow, "as if the sun turned upon its axis once in two centuries, and the afterglow of sunset lasted a hundred and fifty years." The following, not presented as exhaustive, are the memoranda:

An order of the Province Legislature in 1735, empowering Samuel Hunt and others to survey a town for the soldiers in Falls fight, above Deerfield (1676). In case of the death of any entitled, preference was always to be given "to the eldest of the sons of each officer or souldier deced. that shall put in their Claims; and in Case no son does put in his Claim within twelve Months, then to give preference to the Eldest Male Descended from any such officer or Soldier deced. that shall put in their Claims as aforesaid, and all others shall be excluded." *Province Laws*, xii. 55, chap. 111.

In the same year, an order empowering the heirs of Captain Wiswall and others engaged in the fight at Lamprey river (1690), near Dover, New Hampshire, to survey lands for themselves. And in case of the death of any entitled, "Preference to be given to the Eldest son Surviving . . . And in Case there be no son living then to the Eldest Male descended from such officer and soldier now living . . . And in Case there be no male heir then to the Eldest female Surviving." *Ib.* 75, chap. 152.

In the same year, an order for granting a town on the Merri-mack river in favor of soldiers under Captain Tyng, in the Indian war of 1703, who had made a difficult march in the winter, on snowshoes and had killed six Indians; this being stated to be the first attempt made against the enemy on snowshoes. Instead of any

now deceased the grant ran to their "male descendants wherein the preference shall be Given to the Eldest son." *Ib.* 105, chap. 229.

In the year 1768 an order for the survey of a township in favor of male descendants of soldiers in the expedition against Canada, 1690. The grant names the particular descendant (as in some other cases), never running to "heirs;" the eldest son or grandson probably being meant, if there were such survivor. *Ib.* XVIII. 344, chap. 26. See also *ib.* 386, chap. 25 (1770), carrying this into effect.

There were, on the other hand, many similar grants to officers and soldiers from 1735 to 1740, running only to their "heirs and assigns" or to their "heirs and legal representatives," or to their "heirs and descendants." What may have been the reason for the special limitation in other cases to the eldest son does not appear.

In the year 1767, a decree of the Probate Court for Worcester County came before the Legislature, by which decree land had been given to the eldest son of the decedent, upon his undertaking to pay the other children the value of their several interests. The son having found himself unable to carry out the undertaking, the case was now brought before the Legislature, where the difficulty was adjusted. No question of the validity of the decree appears to have arisen. *Ib.* 165, chap. 105.

The PRESIDENT then read the following paper:

#### THE TRENT AFFAIR.

As, doubtless, all of us have had frequent occasion to observe, there are few occurrences which in their relative connection with other occurrences or with things at large do not assume with the lapse of time aspects strangely different. The passage of fifty years is a great dissolvent and clarifier. The international incident, still memorable, known as the affair of the *Trent* and the seizure by Captain Charles Wilkes, then commanding the *San Jacinto*, of Messrs. Mason and Slidell, the two Confederate envoys, occurred on the 8th of November, and the fiftieth recurrence of that date accordingly came about yesterday.

One living in those times who had then attained even a degree of maturity, that is, any man or woman now over sixty-five years of age, cannot but retain, if American, a distinct recollection of the incident, and a general memory at least of the excitement caused by it, and the intense interest with which every stage of its development was awaited. For such, however,

it is necessary also to bear in mind that the present great majority, those of the younger generations, do not have this vivid personal recollection of the events of that memorable period, and there are many whose ideas concerning the affair of the *Trent* are vague and, to say the least, unsettled. For instance, as an illustration in point let me relate an incident told me by my friend Mr. Moorfield Storey. Among the guests on one occasion at Mr. Storey's house was an intelligent young fellow, either a recent Harvard graduate or, possibly, in one of the older classes. He was also in a general way not ill informed, as men of that age go. Incidentally a reference was made to the assault of Preston Brooks on Charles Sumner in the United States Senate chamber, — very fresh and vivid in Mr. Storey's recollections. To his utter surprise this young man listened with interest, and then asked for further details, observing that he knew nothing about it, never having heard of the occurrence before! To us who lived in those times, such a lack of information upon really momentous historical events seems incomprehensible, almost astounding. Yet from personal experience I have reason to believe the case was in no wise exceptional.

With us of the Civil War generation the events of that period are, on the contrary, in the language of Milton, "writ large." They stand forth in memory, belittling where they do not altogether obscure the historical episodes of very considerable importance which have since occupied attention. It is, therefore, always peculiarly interesting to us — now lingerers from that bygone generation — to look back on those events through the perspective of fifty years, and, recalling our feelings at the time, note the different aspects those events now wear. Few are more well worth consideration from this point of view than the episode I have referred to, — the taking of the Confederate envoys, Messrs. Mason and Slidell, from the steamer *Trent* on November 8, 1861.

In pursuance of my present purpose, I do not propose to enter into any detailed narrative of what then occurred. So far as the facts are concerned, the incident has taken its place, and presumably its proper place, in recorded history. The field too has been thoroughly gleaned; and, though nearly twenty years have passed since the publication of Mr. Thomas

L. Harris's very thorough monograph entitled *The Trent Affair*, little light of value has in the intervening time been cast on the subject. The conclusions therein reached have been revised in no essential respect. In his *Life of William H. Seward*, Mr. Frederic Bancroft devotes to this incident his thirty-third chapter, and in that gives a thoroughly unprejudiced and critical account of what occurred. Reading it afresh, Mr. Bancroft's narrative strikes me as judicial; and, moreover, so far as Seward is concerned, while he in it nothing extenuates, he sets down naught in malice.

Before entering in the casual way now proposed on my historical narrative of the affair, I must first submit certain broad conclusions in regard to it, and the conditions under which it occurred.

Speaking generally, I think I do not remember in the whole course of the half-century's retrospect — equal to the period which elapsed between the surrender at Yorktown and the presidency of Andrew Jackson — any occurrence in which the American people were so completely swept off their feet, for the moment losing possession of their senses, as during the weeks which immediately followed the seizure of Mason and Slidell. Everything combined to this result. In the first place, when the incident occurred the community was in a wholly overwrought nervous condition. On the 8th of November, 1861, seven months had elapsed since the firing on Fort Sumter, and nearly four months since the mortifying Bull Run experience. It was exactly a year from the election to the presidency of Abraham Lincoln. That election, it will be remembered, had been immediately followed by the initial movement of South Carolina in the direction of secession. Then followed the trying winter of 1860 and 1861, during which State after State seceded, the war cloud in the South ever gathering, and assuming day by day a more threatening aspect. The five months which elapsed between the election of 1860 and the firing on Fort Sumter were probably the most trying period, psychologically, this country has ever passed through. The inevitable was constantly assuming a more portentous shape. At last in April war broke out. Thus in November, 1861, the country had been on tenter-hooks, so to speak, for twelve entire months, and during the last six of those months one mortification and

failure had followed sharp on another. The community, in a state of the highest possible tension, was constantly hoping for a successful coup somewhere and by someone executed in its behalf. It longed for a man who would do, taking the responsibility of the doing. While it was in this state of mind, the telegraph one day announced that the United States sloop of war *San Jacinto*, under the command of Captain Wilkes, had arrived at Fortress Monroe, having on board the two Confederate envoys, Mason and Slidell, taken on the high seas from the British mail steamer *Trent*. At last the hour seemed come, and with it a man. By one now seeking an explanation of what then occurred, all this must be borne in mind.

Thus worked up to the highest pitch of excitement, the feeling of the country had also been slowly fermenting to one of acute hostility towards Great Britain; and this for two reasons. In the first place, it had seemed as if, in view of its anti-slavery preachings during the last thirty years, and its somewhat Pharisaic, better-than-thou attitude towards America as respects the negro and his condition, Great Britain had failed to evince that sympathy towards us which was expected because of the Slaveholders' rebellion, and had, to say the least, done nothing to forward the cause of the Union in a crisis brought on by the aggressive action of the South. On the contrary, the attitude of England in general had been sneering as well as adversely critical; and the tone of the *London Times*, in particular, — for the *Times*, still known as "The Thunderer," was recognized as the first and most influential newspaper in the world, — had been distinctly unsympathetic, not to say antagonistic and otherwise acutely irritating. William H. Russell, the famous Crimean War correspondent, was also at that time in this country, and his letters regularly appearing in the *Times* as "from our special correspondent" were republished and read in America to an extent which can hardly now be understood. Anxiously waited for, and printed *in extenso* in all the leading journals, extracts from them were to be found in every paper in the land. Russell had been to a certain extent present at Bull Run, and a witness of our disgrace. While his account of what he saw on that occasion was photographic and strictly correct, we none the less had become morbidly conscious that there was "a chiel amang [us]

taking notes," and the "notes" he took when seen in "prent" caused a degree of irritation at this day difficult to describe or overstate. Thus morbidly excited and intensely sensitive, the country was in a thoroughly unreasoning and altogether unreasonable condition, very necessary now to emphasize; for it needed only the occurrence of some accident to lead to a pronounced explosion of what can only be described as Anglo-phobia. Discouraged, we had in fact only begun to settle down to the conviction that a long and uncertain struggle was before us. With all conditions, therefore, explosive, so to speak, in character, the incident of the *Trent* came like a bolt from a clouded and lowering sky; but it was a shell exploding in a powder magazine rather than a spark falling in a mass of combustible matter.

The course of events, briefly stated, was as follows:—Immediately after the firing upon Fort Sumter, Jefferson Davis, President of the then newly organized Confederate States, had sent out to Europe agents to forward the interests of the proposed nationality. These agents had there spent some seven months, accomplishing little. Disappointed at their failure, Davis determined upon a second and more formal mission. The new representatives were designated as "Special Commissioners of the Confederate States of America, near the Government" whether of Great Britain or of France, as the case might be. James Murray Mason of Virginia and John Slidell of Louisiana were selected, the first named for London, the second for Paris. Both, it will be remembered, had recently been Senators of the United States, Slidell having withdrawn from the Senate February 4, 1861, immediately after the passage of the Ordinance of Secession by the State of Louisiana; while Mason, having absented himself about March 20, during the session of the Senate for executive business, did not again take his seat. Virginia seceded April 17, and Mason, together with several other Southern Senators, was in his absence expelled by formal vote (July 11) at the special session of the Thirty-Seventh Congress, which met under the call of President Lincoln, July 4, 1861. Probably no two men in the entire South were more thoroughly obnoxious to those of the Union side than Mason and Slidell. The first was, in many and by no means the best ways, a typical Virginian. Very provincial and in-

tensely arrogant, his dislike of New England, and especially of Massachusetts, was pronounced, and exceeded only by his contempt.<sup>1</sup> It was said of him at the time that when trouble was brewing and he was invited to make a speech in Boston, he had replied that he would not again visit Massachusetts until he went there as an ambassador. Slidell, on the other hand, was considered one of the most astute and dangerous of all Confederate public characters. An intriguer by nature, unscrupulous in his political methods, he was credited with having fraudulently defeated, by secret manipulations, the Clay ticket in Louisiana in the 1844 presidential election, and was generally looked upon as the most dangerous person to the Union the Confederacy could select for diplomatic work in Europe.<sup>2</sup> The first object of the envoys was to secure the recognition of the Confederacy. The ports of the Confederate States were then blockaded; but the blockade had not yet become really effective. The new envoys selected Charleston as their port of embarkation, and October 12 as its date. The night of the 12th was dark and rainy, but with little

<sup>1</sup> The course of subsequent events in no way mollified these antipathies. Writing from London to a daughter in Virginia thirteen months (April 5, 1866) after the delivery of Lincoln's second inaugural, he thus expressed himself: — "In my varied intercourse with the world, I have met with some whom I held in disesteem, with others in contempt, as unworthy, and some few who were essentially *bad*; but, in looking back, I do not recognize that my feelings toward any such amounted to acrimony, or *insuperable hate*. Now it is otherwise. I confess, that toward every man or thing North, there has arisen within me a feeling of detestation that I cannot express or qualify, if I would. In the war they waged against us, they were demons — in victory, they proved themselves fiends. There are, of course, individual exceptions I doubt not, but I have yet to learn of one prominent man there who has, since the rupture, expressed a sentiment, or evinced a feeling, that would not be held a disgrace to manhood elsewhere." *The Public Life and Diplomatic Correspondence of James M. Mason*, 581.

<sup>2</sup> W. H. Russell thus wrote of Mr. Slidell in a letter to the *Times*, which appeared in its issue of December 10, 1861: — "Mr. Slidell, whom I had the pleasure of meeting in New Orleans, is a man of more tact and he is not inferior to his colleague Mr. Mason in other respects. He far excels him in subtlety and depth, and is one of the most consummate masters of political manœuvre in the States. He is what is here called a 'wire-puller' — a man who unseen moves the puppets on the public stage as he lists — a man of iron will and strong passions, who loves the excitement of combinations, . . . and who in his dungeon [at Fort Warren], or whatever else it may be, would conspire with the mice against the cat sooner than not conspire at all. . . . Originally a northern man, he has thrown himself into the southern cause and staked his great fortune on the issue without hesitation, and with all the force of his intellect and character. And even he believed that England must break the blockade for cotton."

or no wind, conditions altogether favorable for their purpose. They left Charleston on the little Confederate steamer *Theodora*, evaded the blockading squadron, and reached New Providence, Nassau, two days later, the 14th. It had been the intention of the envoys to take passage for Europe at Nassau on an English steamer; but, failing to find one which did not stop at New York, the *Theodora* continued her voyage to Cardenas in Cuba, whence the envoys and those accompanying them proceeded overland to Havana. Arriving at Havana about the 22d of October, Messrs. Mason and Slidell remained there until the 7th of November. They then embarked on the British steamer *Trent*, the captain of the *Trent* having full knowledge of their diplomatic capacity as envoys of an insurgent community, and giving consent to their embarkation. The *Trent* was a British mail packet, making regular trips between Vera Cruz, in the Republic of Mexico, and the Danish Island of St. Thomas. She was in no respect a blockade runner; was not engaged in commerce with any American port; and was then on a regular voyage from a port in Mexico, by way of Havana, to her advertised destination, St. Thomas, all neutral ports. At St. Thomas direct connection could be made with a line of British steamers running to Southampton. The envoys, therefore, when they left Havana, were on a neutral mail steamer, sailing under the British flag, on a schedule voyage between neutral points.

At just that time the United States war steamer, *San Jacinto*, a first-class screw sloop mounting fifteen guns, was returning from a cruise on the western coast of Africa, where for twenty months she had been part of the African squadron engaged in suppressing the slave trade. She was commanded by Captain Wilkes, who had recently joined her. Returning by way of the Cape Verde Islands, Captain Wilkes there learned from the newspapers about the last of September of the course of public events in the United States, and rumors reached him of Confederate privateers, as they were then called, destroying American vessels in West India waters. He determined to make an effort at the capture of some of these "privateers." On October 10th the *San Jacinto* reached the port of St. Thomas, and subsequently touched at Cienfuegos on the south coast of Cuba. There Captain Wilkes learned, also from

the newspapers, that the Confederate envoys were at that very time at Havana, and about to take passage for Southampton. Reaching Havana on the 28th of October, the commander of the *San Jacinto* further learned that the commissioners were to embark on the steamer *Trent*, scheduled to leave Havana on the 7th of November. Captain Wilkes then conceived the design of intercepting the *Trent*, exercising the right of search, and making prisoners of the envoys. No question as to his right to stop, board, and search the *Trent* seems to have entered the mind of Captain Wilkes. He did, however, take into his confidence his executive officer, Lieutenant Fairfax, disclosing to him his project. Lieutenant Fairfax entered, it is said, a vigorous protest against the proposed action, and strongly urged on Captain Wilkes the necessity of proceeding with great caution unless he wished to provoke international difficulties, and not impossibly a war with Great Britain. He then suggested that his commanding officer consult an American Judge at Key West, an authority on maritime law; which, however, Captain Wilkes declined to do. Leaving Key West on the morning of November 5th, Captain Wilkes directed the course of the *San Jacinto* to what is known as the Bahama Channel, through which the *Trent* would necessarily pass on its way to St. Thomas, and there stationed himself. About noon on the 8th of November, the *Trent* hove in sight, and when she had approached sufficiently near the *San Jacinto*, a round shot was fired athwart her course; the United States flag was run up at the mast head at the same time. The approaching vessel showed the English colors, but did not check her speed or indicate a disposition to heave to. Accordingly, a few instants later, a shell from the *San Jacinto* was exploded across her bows. This had the desired effect. The *Trent* immediately stopped, and a boat from the *San Jacinto* proceeded to board her. It is unnecessary to go into the details of what then occurred. For present purposes it is sufficient to say that the two envoys, together with their secretaries, were identified and forcibly removed, being taken on board the *San Jacinto*; which, without interfering with the mails or otherwise subjecting the *Trent* to search, then laid its course for Fortress Monroe. Arriving there on the 15th, news of the capture was immediately flashed over the country. The *Trent*, on the other hand,

proceeded to St. Thomas, where her passengers were transferred to another steamer, and completed the voyage to Southampton. They arrived and the report of the transaction was made public in Great Britain November 27th, twelve days after the arrival of the *San Jacinto* at Fortress Monroe, and the publication of the news of the arrest in the United States.

Such were the essential facts in the case, and, while a storm of enthusiastic approval was sweeping over the northern part of the United States in the twelve days between November 15th and November 27th, a storm of indignation of quite equal intensity swept over Great Britain between November 27th and the close of the year.<sup>1</sup> Most fortunately there was no ocean cable in those days, and the movement of the Atlantic steamers was comparatively slow. Accordingly the first intimations of the commotion caused in Great Britain by the action of Captain Wilkes did not reach America until the arrival of the *Hansa* at New York, December 12. Strange as it now seems, therefore, almost an entire month had elapsed between the arrival of the *San Jacinto* at Fortress Monroe (November 15) and the receipt in America (December 12) of any information as to the effect of the seizure of the envoys on the British temper. A most important fact to be now borne in mind.

In reading the accounts of what occurred in America between November 15 and December 26, and seeing the recorded utterances of persons whose names carried authority, it is now most curious to observe the confusion of idea which seemed to exist as to the principles of international law involved, and the apparent utter inability of all concerned to exercise their reason to the extent of preserving consistency of thought or action. The affair was looked at from diverse and several points of view;

<sup>1</sup> Two exceptionally well-informed Americans, long resident in Great Britain, then wrote, the one from London to Mr. Seward, and the other from Edinburgh to his uncle, a citizen of New York: — "There never was within memory such a burst of feeling as has been created by the news of the boarding of the [*Trent*]. The people are frantic with rage, and were the country polled, I fear that 999 men out of a thousand would declare for immediate war. Lord Palmerston cannot resist the impulse if he would;" the other, under the same date, November 29: — "The excitement consequent upon the insult to the British flag by the U. S. Frigate, *San Jacinto*, has entirely monopolized the public mind. I have never seen so intense a feeling of indignation exhibited in my life. It pervades all classes, and may make itself heard above the wiser theories of the Cabinet officers." — *War Records*, Series II. II. 1107, 1131.

and the point of view implied a great deal. The situation reminds one, in fact, of Browning's poem of "The Ring and the Book," where, it will be remembered, the poet approaches the mystery from the point of view of each participant in it, — whether the woman who was murdered, the husband who murdered her, the counsel of the one and of the other, the gossip of one half of Rome and the other half of Rome, and finally from the standpoint of the Pope. So, to understand what was then said and done, the status and capture of the Confederate envoys has to be looked at from the Confederate point of view, from the Union point of view, from the English point of view, and, primarily, from the Captain Charles Wilkes point of view. Seen through the perspective of fifty years, it may now with reasonable assurance be asserted that, in the controversy which ensued, the United States did not have, and never had, in reality, a justifying leg to stand upon, and least of all was there any possible justification for the course pursued by Captain Wilkes. In the first place, Wilkes, commanding a United States ship of war, had not been in communication with his government for months. He had received no instructions; he was not even officially advised of the existence of a blockade; and only through the newspapers and current gossip did he know of the attitude his own government had assumed towards the so-called Confederacy. According to his own statement subsequently made, he did have some treatises on international law in the cabin of the *San Jacinto*, and he consulted them.<sup>1</sup> From these he satisfied himself that accredited envoys were "contraband"; but he ignored the fact that the Confederacy had not been recognized by the United States Government, or by any foreign government, and that the so-called "envoys" were merely "private gentlemen of distinction," citizens of certain States then in insurgency, trying to effect a transit to foreign countries. They were unques-

<sup>1</sup> "When I heard at Cienfuegos on the south side of Cuba of these commissioners having landed on the Island of Cuba and that they were at the Havana and would depart in the English steamer on the 7th of November, I determined to intercept them and carefully examined all the authorities on international law to which I had access, viz., Kent, Wheaton and Vattel, besides various decisions of Sir William Scott and other judges of the admiralty court of Great Britain which bore upon the rights of neutrals and their responsibilities." Official report of Captain Wilkes to the Secretary of the Navy. *War Records*, Series II. II. 1098.

tionably embarked under a neutral flag, upon a mail steamer making its regular passage from one neutral port to another. Nevertheless, *pro hac vice*, Captain Wilkes invested the envoys in question with an official character which his government distinctly refused to allow them, and then proceeded on the assumption that ambassadors were "embodied despatches," to exercise on the high seas a right of search of a most questionable character; and, in so doing, he further constituted himself, in the person of his subordinate, a Prize Court, adjudicating on the deck of a neutral ship forcibly halted in its passage as to what personages should be seized, what persons and property should be exempted from seizure, as to how far the process of search should be carried, and generally what course under the conditions given should be pursued. Accordingly, while forcible possession was taken of the persons of the two envoys, no inquiry whatever was made as to their despatch bags, which, when the purpose of the procedure was suspected, had been handed over by the Commissioners to the British mail agent, and been by him deposited in his mail-room. They were subsequently in due course delivered to the agents of the Confederacy in England.

Incidentally it may here be observed that this proceeding on the part of Commander Williams, the mail agent in question, was in plain violation both of recognized British principles and precedents regulating the obligations of neutrals as also of the Queen's proclamation of the previous May; for that ordinance specifically warned all British subjects against "carrying officers, soldiers, despatches . . . for the use or service of either of the said contending parties." An English publicist of recognized authority was, moreover, at that very time pronouncing the conveyance of despatches a "service" of the "most noxious and hostile character." Clearly, then, Commander Williams by the acceptance of these despatches, knowing them to be such, from a recognized envoy of one of the belligerents, gravely compromised the steamer *Trent* as well as himself. On this point there was no room for doubt; but, on the other hand, every Cunard steamer which crossed the Atlantic — and no others crossed it then — carried despatches from the other belligerent, officially received and delivered as such, and this not between neutral ports, but between New York or

Boston and Liverpool. Indeed, if the carrying of despatches and envoys had been disallowed, in strict accordance with the letter of the proclamation of May, it would have been necessary at that time for the United States Government to have installed an armed ocean mail and passenger service of its own. It cannot be denied that, as the British authorities laid the law down, and Captain Wilkes put it in practical operation, the ocean situation was mixed. Or, as an American publicist writing at the time, but without the slightest sense of suppressed humor, observed, "it must be admitted that the subject is an embarrassing one."<sup>1</sup> In point of fact it was a farrago of absurdities, contradictions and incongruities, over which learned men pondered and young girls prattled<sup>2</sup> with results about equally satisfactory.<sup>3</sup>

Recurring from this digression to what occurred November 8th in the Bahama Channel, the officer deputed for the work by Captain Wilkes, acting under his instruction, thus, it appeared, arrested and seized only the "embodied despatches"; the despatches themselves were, it would seem, not made matter

<sup>1</sup> Dana, *Wheaton*, 659 n.

<sup>2</sup> Rhodes, *History*, III. 522 n.

<sup>3</sup> The quite unintelligible and somewhat ludicrous state of what is termed Law, of the International variety, so far as the topic here in question is concerned, is presented in a concrete shape in Moore's *Digest*, VII. 768-779. The authorities are there cited and the discussions of the *Trent* precedent referred to. The difficulty seems to arise from the attempt seriously made to apply the principles laid down by Vattel, etc., and the precedents established by Lord Stowell to present conditions. The existence of modern lines of common-carrier transportation of passengers, merchandise and mails under neutral flags between points not actually blockaded — lines like the Peninsula and Oriental, the Cunard and the White Star — seems not to have occurred to the publicists; while in fact the applying to the ships of such lines the rules under which Captain Wilkes thought he proceeded, and the application of which Mr. Seward afterwards gravely discussed, is hardly less opposed to reason and common sense than would be the attitude and efforts of a tailor who endeavored to adjust the dress of a seven-year-old boy to the body and limbs of the same boy when grown to be a man of unprecedented size. In each case the attempt is, or would be, unfortunate, and lead inevitably to results unexpected if not impossible. This apparently is the one real lesson the world derived from the *Trent* affair. It seems to be questionable, however, whether either the statesmen at the time took in the fact or the publicists since have realized it, and the consequent utter futility of what they attempted. Let the investigator substitute *Lusitania* for *Trent*, and consider what would necessarily result. Today, the procedure of Captain Wilkes would, if of possible occurrence, be justly looked upon as showing *prima facie* evidence of insanity in the case of a naval officer responsible for it. Its single possible justification by his government would be found in Juvenal:

*Hoc volo, sic jubeo, sit pro ratione voluntas.*

even of inquiry. As to this theory of "embodied despatches" in the persons of "private gentlemen of distinction," known by general fame to be the agents of certain States in insurrection and an admitted "belligerent" but not as yet a recognized nationality, that was a figment of international law for which no precedent could be found in the treatises, devised *pro hac vice* by Captain Charles Wilkes, U. S. N.

Dismissing for the moment the extraordinary international law propositions involved, and recurring to the Wilkes point of view, it is obvious that today any such action as that then taken by him would on the part of a naval officer be simply inconceivable. A similar hypothetical case needs only to be suggested in connection with the hostilities now going on in the Mediterranean between the Kingdom of Italy and the Ottoman Empire. Such a thing as a United States mail steamer running between New York, Gibraltar and Alexandria may not now exist, but it is supposable; and in such case the flag would certainly be found to signify something as respects personages as well as mail-bags. The celebrated Koszta case of more than half a century ago, though not a precedent strictly in point, would be revived in memory, and the spirit therein displayed again invoked. The conduct of a commander of a United States armed ship of superior force who, chancing to be in those waters, at once intervened, and forcibly "rescued" both mail-bags and persons from those who had thus exercised an alleged right of search and seizure, would be promptly approved and sustained. But, under the conditions I have referred to as prevailing in this country in the autumn and early winter of 1861, Captain Wilkes' conduct was officially approved by certain of those in authority, especially by the Secretary of the Navy and by the United States House of Representatives. It was even contended by high authorities that his acts were in substantial accordance with well-established principles of international law, to which, of course, when our turn came, we would yield a cheerful and graceful acquiescence. In other words, just fifty years later, the contentions and War of 1812 were on our part all a mistake; the British attitude at that time was correct, and the right of search, arrest and impressment were at last by us fully conceded!

Such was the logical aspect of the matter from the Wilkes

point of view. Next perhaps to be considered in this cool semi-centennial perspective light are the popular, the official and the juristic points of view then assumed. So doing really now makes one who then lived and actively participated feel a little foolish; there is, however, a discipline, and even lesson perhaps, in a remorseless retrospect.

Personally, I have a vivid recollection of the day when the news of the seizure was flashed to Boston, and hurriedly placarded on the newspaper bulletin boards.<sup>1</sup> A youthful legal practitioner, I was then a man of twenty-six. I had studied, or made an at least honest pretence of so doing, in the office of Richard H. Dana, Jr. Mr. Dana was deemed as high an authority on maritime law as there was at the American bar. Reading the announcement on the bulletin board, I hurried up to his office, and communicated the startling news. Well do I remember his reception of it. His face lighted up, and, clapping his hands with satisfaction over the tidings, he expressed his emphatic approval of the act, adding that he would risk his "professional reputation" on its legality. And this was the view universally expressed and generally accepted.

The *San Jacinto*, having put into Fortress Monroe on the 15th of November, was, for various reasons, ordered to proceed at once to New York, and thence to Boston, there to deliver its prisoners for safe-keeping. Captain Wilkes anchored his ship in Boston harbor on the 24th of November, and two days later a banquet was given him and his officers at the Revere House, the Hon. J. Wiley Edmands presiding. Mr. Edmands, prominent among the solid business men of Boston of that period, lived at Newton and was treasurer of the Pacific Mills; a Webster Whig in politics, he had been a member of the Thirty-Third Congress. The speakers on this occasion seemed to vie with each other in establishing a record from which thereafter it would be impossible to escape. For instance, John A. Andrew, then Governor of Massachusetts, a man really great but of somewhat impulsive disposition, had been present in the office of the Secretary of the Navy when the news of the

<sup>1</sup> Saturday, November 16. On the afternoon of that day the following despatch was sent from Washington: "The intelligence of the capture of Slidell and Mason has diffused the greatest possible joy among all the citizens, including the Government officials from the President down to the humblest messenger."

seizure came in. Literally swept off his feet, he had then sprung upon a chair and been prominent in the tumult of cheering which followed the announcement. He now at this banquet declared that the act of Captain Wilkes had shown "not only wise judgment, but [was marked by] manly and heroic success." He referred to it as "one of the most illustrious services that had made the war memorable"; and then most unnecessarily capped the climax of indiscretion by declaring to a delighted audience "that there might be nothing left [in the episode to] crown the exultation of the American heart, Commodore Wilkes fired his shot across the bows of the ship that bore the British Lion at its head." On the same occasion George T. Bigelow, then Chief Justice of Massachusetts, committed himself to an almost though not quite similar extent. First he voiced the very prevalent feeling already referred to, saying: — "In common with all loyal men of the North, I have been sighing, for the last six months, for some one who would be willing to say to himself, 'I will take the responsibility'; and who would not only say this, but when the opportunity offered would take the responsibility." The Chief Justice of our Supreme Court then went on to declare that "Commodore Wilkes acted more from the noble instincts of his patriotic heart, than from any sentence he read from a law book"; adding that, under such circumstances, "a man does not want to ask counsel, or to consult judges upon his duty; his heart, his instinct, tells him what he ought to do." Well might the London *Times* in commenting on the affair observe shortly after — "These are wild words from lawyers." Captain Wilkes then, in language indicative of singular confusion of thought, said that before he had decided on his course, he had examined the authorities, and satisfied himself that these so-called envoys had none of the rights attaching to such functionaries when properly appointed; and, concluding that it was within his function to capture written despatches, assumed consequently that he had a right to take from under a neutral flag personages of distinction as the embodiment of despatches.<sup>1</sup>

At Washington the Secretary of the Navy next addressed a

<sup>1</sup> An account of the banquet will be found in the *Boston Evening Transcript*, November 27, 1861.

congratulatory letter to Captain Wilkes on the "great public service" he had rendered, giving to his proceeding the "emphatic approval of this department." He, however, took pains to insist that the forbearance of the commander of the *San Jacinto* in this instance in not seizing the *Trent* and sending it into port for adjudication by a Prize Court "must by no means be permitted to constitute a precedent hereafter for the treatment of any case of similar infraction of neutral obligations." In his annual official report a few days later, Secretary Welles further stated that the "prompt and decisive action of Captain Wilkes on this occasion merited and received emphatic approval." On Monday, December 2, Congress assembled, and before the close of the first day's session Mr. Lovejoy, of Illinois, offered a joint resolution thanking Captain Wilkes, "for his brave, adroit and patriotic conduct in the arrest and detention of the traitors, James M. Mason and John Slidell." This resolution was passed by a unanimous vote; and, furthermore, the President was requested to present to Captain Wilkes "a gold medal with suitable emblems and devices, in testimony of the high sense entertained by Congress of his good conduct," etc.<sup>1</sup> As to the irresponsible outpourings and journalistic utterances of those delirious three weeks, it is no exaggeration to say that, read today, they are more suggestive of the incoherences of the inmates of an insane asylum than of any well-considered expression of the organs of a sober and policed community, — a community which half a century only before had gone to war in defence of the great principles of immunity from ocean search, and seamen's rights.

But, most noticeable and, perhaps, most suggestive of all the phases of that madness, were the utterances of the publicists, the supposed authorities on international law and those who should have shown themselves the calmly poised leaders of public opinion. Here are some of them: — Theophilus Parsons was Dane professor of law at Harvard. Professor Parsons hurried into print with the following dictum: — "I am just as certain that Wilkes had a legal right to take Mason and Slidell from the *Trent*, as I am that our Government has a legal right to blockade the port of Charleston." Caleb Cushing, in the administration of Franklin Pierce Attorney-

<sup>1</sup> *War Records*, Series II. II. 1113.

General of the United States, was a publicist, and a reputed legal authority. Mr. Cushing now wrote:—“To conclude then: In my judgment, the act of Captain Wilkes was one which any and every self-respecting nation must and would have done by its own sovereign right and power, regardless of consequences. It was an act which it cannot be denied Great Britain would have done under the same circumstances. At the same time, it was an act amply justified by the principles and doctrines of international jurisprudence.”

I have already referred to R. H. Dana, and his exclamation on first hearing of Captain Wilkes' performance. Mr. Dana now wrote in an unsigned communication to the Boston *Advertiser*:—“In the present case, the mission [of the two envoys] is in its very nature necessarily and solely a mission hostile to the United States. It is treason within our municipal law, and an act in the highest degree hostile within the law of nations. If a neutral vessel intervenes to carry such persons on such a mission she commits an act hostile in the same degree. . . . We rather look to see Mr. Seward or Mr. Adams call the immediate attention of Her Majesty's Government to this violation of neutrality than to see Lord Lyons or Earl Russell addressing our Government on the subject.”

Finally, Edward Everett, formerly the representative of the country at the Court of St. James and an ex-Secretary of State, than whom no one stood higher in general estimation as an authority on topics of this character, thus publicly expressed himself:—“You see that there is not the slightest ground for apprehension that there is any illegality in this detention of the mail packet; that the detention was perfectly lawful, the capture was perfectly lawful, their confinement in Fort Warren will be perfectly lawful, and as they will no doubt be kept there in safety until the restoration of peace—which we all so much desire—we may, I am sure, cordially wish them a safe and speedy deliverance.”<sup>1</sup>

<sup>1</sup> In an address on the State of the Country, delivered before the Middlesex Mechanics' Association, at Lowell, on Tuesday evening, December 24, 1861.

There has been a diversity of statement as respects Lewis Cass and his attitude and utterances in this connection. By some it has been asserted that he also was positive that the action of Captain Wilkes was justifiable, both on principle and by precedent. Such, however, was in no degree the case. On the contrary, the only recorded expression of opinion by Mr. Cass is refreshing

But the time at our disposal would not nearly admit of going through all the kaleidoscopic phases of this singular but most interesting and instructive international episode. The point of view now changes. We must imagine ourselves in London, and Englishmen.

On Tuesday, November 12, four days after the actual seizure of Messrs. Mason and Slidell, but fifteen days before an intimation of it reached England, Mr. Adams, then representing the country at the Court of St. James, made this diary entry — "Received a familiar note from Lord Palmerston, asking me to call and see him between one and two o'clock." The note, of the briefest possible character, read as follows: —

92 PICCADILLY, 12 Nov., 1861.

MY DEAR SIR:

I should be very glad to have a few minutes conversation with you; could you without inconvenience call upon me here today at any time between one and two.

Yrs faithfully

PALMERSTON.

The Honbl. Mr. Adams.

Though Mr. Adams had at this time been nearly six months in London, his official relations had been exclusively with Earl Russell; and, though he had met Lord Palmerston several times, and more than once been a guest at Cambridge House,

from its correctness; its practical view of the matter also strongly coincided with what Lord Palmerston, as will next be seen, had said to Mr. Adams shortly before. The conclusions of General Cass are found in a letter addressed to Secretary Seward from Detroit, on the 19th of December, 1861. In his retirement from active political life, General Cass then wrote: — "Though I think it was justifiable upon the grounds laid down and acted upon by England, yet I considered it a most useless and unfortunate affair — an affair which from its evident importance should never have been undertaken by Captain Wilkes without express orders from his Government, and his interference is the more inexcusable as he states in his report that in his search into the authorities upon the law of nations he could find no such case decided and was brought to consider the rebel commissioners as the 'embodiment of despatches' — I think is his phrase — in order to justify the arrest; a strange reason to be officially given for such a procedure. And what has amazed me more than anything else in this whole affair are the laudations bestowed upon Captain Wilkes for his courage in taking three or four unarmed men out of an unarmed vessel." *War Records*, Series II. II. 1132. This position was all the more significant as Cass, when Secretary of State, had clearly and fully laid down the American principles of neutral rights in a despatch, June 27, 1859, addressed to John Y. Mason, then Minister to France.

their intercourse had been social only. A few days before Mr. Adams had been present at the Lord Mayor's dinner, and had been one of the speakers on that occasion. In his diary entry is the following: "The only marking speech being one from Lord Palmerston which had his customary shrewdness. He touched gently on our difficulties and at the same time gave it clearly to be understood that there is to be no interference for the sake of cotton." Shortly after, but before the news of the *Trent* affair arrived, Mr. Adams made the following further diary entry:— "In the evening Mrs. Adams and I went by invitation to Lady Palmerston's. A few persons only, after one of her dinners. We had been invited to dine ourselves, last Saturday, and are again invited for next Saturday evening. This civility is so significant that it must by no means be declined. . . . I touched Lord Palmerston a little on the event of the day, [the burning of the *Harvey Birch* by the Confederate cruiser *Nashville*], and reminded him of the connection which the *Nashville* had with our former conversation. He seemed good-natured and rather desirous to get information as to grounds on which to act." The relations between the two men had accordingly thus far been of an altogether friendly character. The diary entry of November 12 goes on as follows:—

This (Lord Palmerston's note) took me by surprise, and I speculated on the cause for some time without any satisfaction. At one o'clock I drove from my house over to his, Cambridge House in Piccadilly. In a few minutes he saw me. His reception was very cordial and frank. He said he had been made anxious by a notice that a United States armed vessel <sup>1</sup> had lately put in to Southampton to get coal and supplies. It had been intimated to him that that object was to intercept the two men, Messrs. Mason and Slidell, who were understood to be aboard the British West India steamer expected to arrive tomorrow or next day. He had been informed that the Captain, having got gloriously drunk on brandy on Sunday had dropped down to the mouth of the river yesterday as if on the watch. He did not pretend to judge absolutely of the question whether we had a right to stop a foreign vessel for such a purpose

<sup>1</sup> The *James Adger*, commanded by Captain J. B. Marchant. In regard to this incident, see *Charles Francis Adams* (Am. Statesmen Series), 222-224; *Records of Union and Confederate Navies*, 1. 128, 224; Adams, *Studies: Military and Diplomatic*, 394.

as was indicated. Even admitting that we might claim it, it was yet very doubtful whether the exercise of it in this way could lead to any good. The effect of it here would be unfavorable, as it would seem as if the vessel had come in here to be filled with coal and supplies, and the Captain had enjoyed the hospitality of the country in filling his stomach with brandy, only to rush out of the harbor and commit violence upon their flag. Neither did the object to be gained seem commensurate with the risk. For it was surely of no consequence whether one or two more men were added to the two or three who had already been so long here. They would scarcely make a difference in the action of the government after once having made up its mind.

The remainder of this diary entry is long, and not germane to the present occasion. I, therefore, omit it. But the extreme significance of the intimation thus unofficially and pleasantly conveyed was not apparent at the time; indeed it was not fully disclosed until half a century later. Mr. Adams never knew the motive cause of the interview he was describing, and consequently never appreciated the really kind purpose behind this most friendly action of the man at the head of the government to which he was accredited. It was an effort to forestall and prevent an international complication even more objectless than it was dangerous, a senseless wrangle over two men who were of no consequence anyway.

To appreciate the true significance of the interview described in his diary by Mr. Adams it is necessary to bear in mind that it took place on the 12th of November, the Confederate envoys having been taken on the 8th from the *Trent*. On the day preceding his talk with Mr. Adams, Lord Palmerston, it now appears, had addressed the following letter to J. T. Delane, the editor of the *Times*:

94, PICCADILLY, November 11, 1861.

MY DEAR DELANE:

It may be useful to you to know that the Chancellor, Dr. Lushington, the three Law Officers, Sir G. Grey, the Duke of Somerset, and myself, met at the Treasury today to consider what we could properly do about the American cruiser come, no doubt, to search the West Indian packet supposed to be bringing hither the two Southern envoys; and, much to my regret, it appeared that, according to the principles of international law laid down in our courts by Lord Stowell, and practised and enforced by us, a belligerent has a right

to stop and search any neutral not being a ship of war, and being found on the high seas and being suspected of carrying enemy's despatches; and that consequently this American cruiser might, by our own principles of international law, stop the West Indian packet, search her, and if the Southern men and their despatches and credentials were found on board, either take them out, or seize the packet and carry her back to New York for trial. Such being the opinion of our men learned in the law, we have determined to do no more than to order the *Phaeton* frigate to drop down to Yarmouth Roads and watch the proceedings of the American within our three-mile limit of territorial jurisdiction, and to prevent her from exercising within that limit those rights which we cannot dispute as belonging to her beyond that limit.

In the meanwhile the American captain, having got very drunk this morning at Southampton with some excellent brandy, and finding it blow heavily at sea, has come to an anchor for the night within Calshot Castle, at the entrance of the Southampton river.

I mention these things for your private information.

Yours sincerely,

PALMERSTON.

And, the following day, immediately after his talk with Mr. Adams, he further wrote: —

MY DEAR DELANE:

I have seen Adams today, and he assures me that the American paddle-wheel was sent to intercept the *Nashville* if found in these seas, but not to meddle with any ship under a foreign flag. He said he had seen the commander, and had advised him to go straight home; and he believed the steamer to be now on her way back to the United States. This is a very satisfactory explanation.

Yours sincerely,

PALMERSTON.

While the opinion of the officers of the Crown referred to was no mystery at the time, and is mentioned, though in much more general language, by Spencer Walpole in his *Life of Lord Russell* (II. 354-356), yet the statement here made of that opinion by Lord Palmerston is well calculated to excite surprise. It will be noticed that the officers referred to — the Lord Chancellor, Westbury, and Dr. Lushington being among them — are said to have laid it down as law that the belligerent had a right to stop and search any neutral, not being a ship of war, on the high seas, suspected of carrying enemy's de-

spatches. Consequently, then, in this case, the Southern insurgents having been granted belligerent rights, the *San Jacinto* might, on English principles of international law, stop the *Trent*, search her, and if the Southern men were on board, either do exactly what Captain Wilkes had already just done, — take them out, and then allow the packet to proceed on its voyage, — or seize the packet and carry her to some American port for trial and adjudication as prize.

Here is indeed another turn of the *Trent* kaleidoscope, — a British turn! That just half a century ago such an opinion as this should have been advanced as accepted international law seems incredible. It indicates clearly how confused, as well as archaic, the principles of that law were at the time in question in the minds of those supposed to be learned in it. No war involving maritime rights to any considerable extent had occurred since Waterloo. The precedents established in the English Prize Courts in the days of Napoleon's "Continental System" and the British "Orders in Council," and the principles then laid down, utterly regardless as they notoriously had been of the rights of neutrals, were held to be still law. Those precedents and rulings were of the most miscellaneous description and arbitrary character. Meanwhile, the world had progressed. It is, therefore, simply astounding to us in 1911 that the law officers of the Crown should in 1861 have advised her Majesty's government that an American ship-of-war might lie in the straits of Dover, and, having reason to suppose that an emissary of the Confederacy, carrying despatches, was on a certain steamer, — the Calais packet, for instance, — could stop the steamer in question, subject it to search, and either take out the envoy referred to, and his despatches, leaving the steamer then to complete its course, or could pronounce her a prize of war for violation of neutrality, and send her into port for adjudication! Or, to put the case in a different way, difficulties of a revolutionary character have recently occurred in Mexico, and are now, as is well known, agitating Portugal. Is it supposable that a Mexican or Portuguese man-of-war commissioned by the recognized government, rights of belligerency having for reasons of commerce or humanity been conceded, — is it, I say, even remotely supposable that, under such circumstances, a Mexican or Portu-

guese battleship could now lie in wait off Long Island on the course of the trans-Atlantic steamers, and, having sufficient reason to believe that either despatches were being carried in those steamers, or that a Mexican or Portuguese envoy was among its passengers, could proceed to stop and search the ocean-liner, forcibly arrest the persons in question, and with them steam away, or, then and there, compel the ship — the *Lusitania* or the *Oceanic*, let us say — to abandon its voyage, and send it into a Mexican or Portuguese port for adjudication!<sup>1</sup> The thing is too absurd for a moment's consideration. Yet then it seems to have been laid down as the accepted law of Great Britain; and according to Lord Chancellor Westbury and Dr. Lushington, Mr. George Sumner, the brother of the Senator of the same name, was not wrong when at this time (November 22) he wrote to the New York *Tribune* that, "The act of Commodore Wilkes was in strict accordance with the principles of international law recognized in England, and in strict conformity with English practice." One American at least seems here to have then spoken correctly and by the book. He said "English principles" and "English practice"! If it was law and practice in Great Britain then, it was law and practice nowhere else; least of all in the United States.

But was the position thus taken sound as a proposition of even British law? This is open to grave question; nor did it pass unchallenged at the time. The point was well put by the Duke of Argyll, himself a member of the British ministry, in a letter to Mr. Adams written on the 25th of the following January.<sup>2</sup> Referring to the objection subsequently made to the

<sup>1</sup> These very instances were at the time cited as possibilities by Earl Russell in his despatch to Lord Lyons, closing the discussion on the side of the British government. In addition thereto the following — "So also a Confederate vessel-of-war [e. g. the *Alabama*] might capture a Cunard steamer on its way from Halifax to Liverpool, on the ground of its carrying despatches from Mr. Seward to Mr. Adams." It is difficult now of belief that in 1861 an experienced American naval officer should have undertaken to establish a precedent logically implying such obvious consequences, and this on his own initiative; that the most learned legal authorities in America should have unequivocally sustained him in such an act, insisting on its unquestionable legality, fairly surpasses belief. Yet the evidence is conclusive that at the time American public opinion was well-nigh unanimous in support of the proposition, and had persuaded itself, or was persuaded, that Great Britain should be held to a future strict responsibility and account for failing to give immediate and willing assent to it.

<sup>2</sup> See p. 137, *infra*.

act of Captain Wilkes that the *Trent* was not taken into port for adjudication, he characterized it as one made on "a narrow and technical ground." He then proceeded as follows: "This is a very minor objection, tho' so far as it goes, a sound one. But the real objection I hold to be a much stronger one, *viz.*, that a neutral vessel, with a bona fide, *neutral destination*, cannot contain contraband of war at all, and that civilians, especially, bound for a neutral country cannot, under any circumstances, be held to be subject to seizure as Contraband. I venture to affirm that no decision of any of our Judges, nor any act of our Government can be cited as inconsistent with this doctrine."

This, even if advanced by a layman, was certainly good sense, and probably sound law. Admitting, however, that as a mere proposition of existing law, wise or not wise as a question of policy, the British precedents and practice were as laid down by the law-advisers of the Crown, if such a contingency as that of the *Trent* arose there was but one course to be pursued by any self-respecting nation. If such was once the law, the world had outgrown it; it was law no longer. In any event, it could not possibly be observed as such by any nation powerful enough to set it at naught. The case did not admit of argument.

The course, therefore, to be pursued by the British Government under the circumstances which then confronted it, was simple, and exactly the course that was pursued. The matter was referred back to the law officers of the Crown, with instructions to reconsider the subject. The subject was reconsidered, and different conclusions arrived at. Nevertheless, those conclusions commend themselves little more to present judgment than the previous opinion. It was now held that the attitude of the American Government was untenable because in assuming authority under the accepted law of nations, as laid down in the reports and treatises, Captain Wilkes had undertaken to pass upon the issue of a violation of neutrality on the spot, instead of sending the *Trent* as a prize into port for judicial adjudication. There is about the position thus assumed in 1861 something which seems in 1911 little short of the grotesque. Nevertheless, so the case stood at that time; and, as mere technical law, the point probably was, as the Duke of Argyll said in his letter to Mr. Adams, well taken. At any rate

it met in a way the requirements of that particular occasion, and was gravely advanced and argued over *pro* and *con* by able and adroit men holding high official positions. It was, however, recognized all through as a solemn farce. As a question of practical statesmanship, the world manifestly had burst asunder those particular swaddling clothes. It is contentions of this character which bring law into contempt.

One more turn of the kaleidoscope, and I am through for this occasion. Leaving London and the legal advisers of Her Majesty's Government, we travel back to Boston. The *San Jacinto*, with the two Confederate envoys on board, — more guests of the Captain than prisoners of state,<sup>1</sup> — steamed into Boston harbor on the 24th of November. Fort Warren had been designated as, *pro hac vice*, the American Tower, or Bastille. Fort Warren is situated on George's Island, commanding the main ship-channel, so called, at the entrance of Boston harbor. Small in area, the island is almost entirely covered by the fort; and, as is well known, the sea-shore of Massachusetts Bay is, as a winter resort, inclement. Though, as already mentioned, both Mr. Mason and Mr. Slidell were peculiarly obnoxious to the loyal North and especially to New Englanders, there were a number of residents of Boston who had in one way or another been personally associated with them in former times, and even under obligations to them. Among these was Mr. Robert C. Winthrop, long a member of Congress from Massachusetts, speaker of the national House of Representatives, and, for a time, the occupant of a seat in the United States Senate. Those were the days of the comparatively "simple life" in Washington, and while in the Senate together Mr. Mason and Mr. Winthrop had belonged to the same "mess," as the boarding-house arrangements of those days were termed. As Mr. Winthrop now wrote in a familiar letter to Mr. John P. Kennedy, another of his Congressional associates, referring to the dedication in 1857 of the statue of Joseph Warren in Bunker Hill monument, when he had introduced both Mr. Mason and Mr. Kennedy, — "His tone was insolent enough on that occasion,<sup>2</sup> yet I will not triumph over him now. . . . I sent down some sherry a fortnight ago, and offered to go myself, but the

<sup>1</sup> Mason, *Public Life*, 224, 225.

<sup>2</sup> But on this point see Mason, *Public Life*, 123-125.

officer said I could speak to none of them. . . . I also helped to get some great coats to prevent the North Carolina soldiers from freezing." There certainly was biblical authority for such action under these circumstances on the part of Mr. Winthrop. At the same juncture, it so chanced that Colonel W. Raymond Lee and Major Paul J. Revere, of the 20th Massachusetts Volunteers, were with other Massachusetts officers prisoners of war at Richmond. It cannot be denied that as such they were treated with great severity, almost indeed as if they had been common criminals. If, however, at that time any prominent citizen of Richmond, who had previously received attentions at their hands in Boston, had endeavored to alleviate the hardships of prison life, we can feel assured he would have been denounced by the Southern press as supplying luxuries to those who could only be compared with the minions of Attila or some other great barbarian destroyer. In those days somewhat exaggerated metaphors and comparisons were in over-common use, and, as will immediately be seen, history quite failed to supply either of the two sides with precedents or examples equal to the occasion's requirements. Until then the lowest depths of depravity had not been sounded; "history did not record," etc., etc.! And yet even at that juncture such Samaritan action as that suggested on the part of some Richmond resident towards Lee and Revere would hardly have been regarded in Boston as conduct suitable for bitter denunciation only. Thus viewed, *in alteram partem*, it is curious now to read the bitter words in which the very simple courtesy of Mr. Winthrop and others was denounced by the New England press. The *Boston Transcript*, for instance, in its issue of Thursday evening, December 12, 1861, gave vent to the following growl: "We beg to suggest to those whom it may concern to leave the care of men, one of whom is the personification of arrogance, and the other of craft, to the proper authorities. We beg them not again to outrage public opinion by sending their champagne and other luxuries to the avowed enemies of the United States." And yet this merely echoed an utterance from Governor Andrew, conveyed in a private but published letter dated at the State House, December 11th. Referring to what he termed "the numerous manifestations of misplaced sympathy by some citizens of Boston with the rebel prisoners confined at Fort War-

ren," Governor Andrew then said: "I fully appreciate your feelings in this matter, and share with the writer of the *Post* in his condemnation of that sympathy with traitors, which makes men in comparison with whom Benedict Arnold was a saint, comfortable in their confinement, while our own brave defenders of liberty and Union and the rights of man, are cut off from all such sympathy by the rigorous despotism of the Southern oligarchy, — but I do not know of anything that I can do to prevent it." When such utterances emanate from a man of the high character and natural kindliness of Governor Andrew, it is possible for those who did not, as well as for those who did live in those times, to imagine the grim murkiness, so to speak, of the language elsewhere heard. For example, here is an illustrative extract from the newspapers of the time: "Mr. Wendell Phillips, in a lecture delivered at the New Music Hall on the evening of Wednesday, November 27, 1861, observed: 'If at the outbreak of the present troubles Breckinridge, Mason, Slidell, Toombs, Hunter, Wise, and others had been hung, and a frigate or two had been sent to Charleston, Savannah and New Orleans, and shelled those cities, there never would have been any rebellion.'" Mr. Phillips was never conspicuous for tolerance or for moderation of speech, nor could any marked degree of sanity of judgment be fairly attributed to him; it is, however, at this distance of time curious to see that even he should in 1861 have so utterly misjudged the courage as well as the earnestness of the South. But in 1911 it has an even more curious and exaggerated sound to hear John A. Andrew referring to the two Confederates in question as men in comparison with whom "Benedict Arnold was a saint." Whatever may be said against either Mr. Mason or Mr. Slidell, — and much certainly can in both justice and truth be said, — it can never be asserted that they were guilty of treachery or of secret treasons. They proclaimed their opinions loudly enough, and thereon, early and late, "made good." Nevertheless, Mr. Winthrop's attitude towards them on this occasion excited so much feeling that he wrote to his friend Kennedy as follows: "A miserable clamor has been raised by a few of our bitter spirits because some persons have sent down a few creature comforts to alleviate the condition of old friends. One of our malignant presses calls us sympathizers in Rebellion and threatens to send our names

to the Secretary of State! I hope you will give Seward to understand that a malicious spirit of misrepresentation prevails in this quarter, which vents itself upon everybody who is not ready to embark in an Abolition Crusade. For myself, I have done so little for the prisoners, that I feel a compunction at having seemed wanting in kindness. It is wretched policy not to treat them with humanity and consideration." This episode constitutes a mere insignificant footnote in the record of that period; but it brings forcibly to mind the morbid and unreasoning state of public opinion.

One point further:—a point curiously illustrative of the thoroughness with which this particular piece of historical ground has been gone over, and the difficulty of now reaching any novel conclusions in regard to those who played their parts in connection with it. As a final result of recent investigations I had reached the conclusion that, among those occupying positions of prominence and political responsibility in American public life at the time, two only preserved their poise throughout the Mason and Slidell episode, and, taking in all the aspects of the situation, both acted with discretion and counselled wisely. These two were Montgomery Blair, the Postmaster General in Lincoln's Cabinet, and, somewhat strange to say, Charles Sumner. They alone, using the vernacular, did not "slop over," prematurely and inconsiderately committing either themselves or the country, whether in private speech or public utterance. Though not quoted at the time, Mr. Blair's attitude was the more pronounced. According to Secretary Welles, he "from the first denounced Wilkes's act as unauthorized, irregular and illegal"; and even went so far as to advise that Wilkes be ordered to take the *San Jacinto* and go with Mason and Slidell to England, and deliver them to the British Government.<sup>1</sup> In view of the excitement and unreasoning condition of the public mind such a disposition of the question was, perhaps, practically impossible; though even this admits of question. Nevertheless, seen through the vista of half a century, this would clearly have been the wisest as well as the most dignified course to pursue, far more so than that ultimately

<sup>1</sup> This course was, it is said, also at the moment advocated by General McClellan, then organizing the Army of the Potomac, and practically commander-in-chief in succession to General Scott. Russell, *My Diary*, II. 405.

adopted; for, as Secretary Welles, a dozen years later, wrote, "the prompt and voluntary disavowal of the act of Wilkes, and delivering over the prisoners, would have evinced our confidence in our own power, and been a manifestation of our indifference and contempt for the emissaries, and a rebuke to the alleged intrigues between the rebels and the English cabinet."<sup>1</sup> Mr. Welles might have further remarked that such a disposition of the matter, besides being in strict consistency with a long-proclaimed international policy, would have afforded for the navy a most salutary disciplinary example.

As I have said, the attitude and bearing of Mr. Sumner throughout those trying days were above criticism. With a proper sense of the responsibility due to his official position, that of Chairman of the Senate Committee on Foreign Relations, he was silent, biding his time; and, when that time came, he used his influence in such a way as to produce results not wholly unworthy of a great nation passing through a trying ordeal. This conclusion I had reached, and was prepared to set forth as one that might have a certain degree of novelty as well as weight, the matured judgment of half a century subsequent to the event. Fortunately for myself, before so doing, I glanced once more over the pages of our associate, Mr. James Ford Rhodes. In the chapter of his *History* (III. 523-524) in which he deals with the affair of the *Trent*, I then found the following: — "Of all the men in responsible positions, Sumner and Blair saw the clearest. They were in favor of at once surrendering to England the Confederate Commissioners."

My "novel" judgment, slowly reached at the close of half a century, had been, it would thus appear, anticipated by my associate here by about sixteen years!

But there is another aspect of the *Trent* affair and its outcome, which, from the historical point of view, is, I believe, novel; and that in closing I propose to bring to view, emphasizing it as forcibly as I can. But in order to appreciate this aspect of the affair it is necessary clearly to bear in mind the sequence of events, the intervals of time which elapsed and the

<sup>1</sup> *Lincoln and Seward* (1874), 186-187. This was an opinion formed later and on more mature reflection. At the time of the occurrence of the "affair" the attitude of Secretary Welles was pronounced, and his utterances were peculiarly indiscreet as well as precipitate. See *Diary*, I. 299, 466, 490.

exact date of each occurrence. The arrest of the *Trent* and the seizure of the two envoys took place in the Bahama Channel, November 8; the interview between Lord Palmerston and Mr. Adams at Cambridge House, at which Lord Palmerston suggested that the presence of the two envoys in Europe was "of no consequence" and "would scarcely make a difference in the action of the government" was on the 12th, and the despatch of Mr. Adams conveying this most significant intimation to Secretary Seward was received by the latter before November 30. This was fourteen days after the news of the seizure had been made known in the United States (November 16) and the public excitement had already begun to subside. Tidings of the affair had reached England three days only before, on the 27th, and the despatch of Earl Russell to Lord Lyons demanding the immediate surrender of the two envoys, dated November 30, reached Washington December 18, or a little over a full month after the news of the seizure of the envoys had made wild the American public.

At the time great emphasis was laid on the general preparations for war entered upon by the British government in case of a refusal to yield to the ultimatum presented. It was here pronounced unnecessary, irregular, minatory, and insulting; and subsequent American historical investigators and publicists have continued to so pronounce it. There is no question that Great Britain was in dead earnest in its demand for immediate reparation, and acted accordingly. The arsenals were busy; all available forces were mobilized; troops embarked for Canada.

And why such daily cast of brazen cannon,  
And foreign mart for implements of war;  
Why such impress of shipwrights, whose sore task  
Does not divide the Sunday from the week.  
What might be toward . . .

The answer was ready; as was then alleged, and has since been reiterated, it was on the part of Great Britain a case of uncalled for, unnecessarily offensive braggadocio and bullying; and it was resented as such. Yet something was, and is, fairly to be said on the other side. The critics were not careful as to their facts, the sequence of events and the natural operation of cause and effect. Again it is necessary to bear dates clearly

in mind. Commenting on this phase of the "affair," R. H. Dana, for instance, with singular carelessness says in his elaborate note in his edition of Wheaton — "The news of the capture of Messrs. Mason and Slidell reached Washington about the same time it reached London."<sup>1</sup> This is erroneous, and the error vitiates Mr. Dana's whole criticism on the minatory course pursued by Great Britain. The news of the seizure, not "capture," reached Washington November 16; the same news did not reach London until the 27th, or eleven days later. Those eleven days of difference were pregnant with consequences; for during them the United States went crazy, and it was then that the news not of the seizure but of the storm of American approval thereof reached London "about the same time." The announcement a few days later of the Governor of Massachusetts at the Wilkes dinner in Boston (November 26) that "a shot fired across the bows of the ship that bore the English lion's head" had filled to the brim the cups of America's satisfaction over the event, followed hard by the "emphatic approval" of the act of the Secretary of the Navy and its unanimous endorsement by Congress — these surely were not utterances or incidents calculated either to allay British excitement or to lead to a countermand of warlike preparation. Even on the very eve of the surrender, it was publicly alleged and on excellent authority that the President had emphatically announced: — "I would sooner die than give them up." This probably was not true; it was, however, believed both in Washington and in London. In London also it was suspected, especially in inner ministerial circles,<sup>2</sup> — and on good grounds

<sup>1</sup> *Wheaton*, 654.

<sup>2</sup> The Duke of Newcastle, who had accompanied the Prince of Wales in his visit to America in the summer and autumn of 1860, was at this time Colonial Secretary in the Palmerston-Russell government. On June 5, 1861, five months before the occurrence of the *Trent* affair, he thus wrote in an official letter to Sir Edmund Head, Governor-General of Canada: — "I entirely concur in what you say in your letter of the 18th May about Mr. Seward's speculations and unfriendly views towards Canada, but I think you hardly make sufficient allowance for his hyper-American use of the policy of bully and bluster. When I saw him at Albany last October he fairly told me he should make use of insults to England to secure his own position in the States, and that I must not suppose he meant war. On the contrary, he did not wish war with England, and he was confident we should never go to war with the States — we dared not and could not afford it."

On December 5th following, in the heat of the excitement of the *Trent* affair, Newcastle wrote to Lord Monck, then in command of the forces in Canada: —

it has since appeared,—that Mr. Seward had, only a few months previously, desired to provoke trouble with Great Britain with ulterior purposes in view. The opportunity for so doing had now presented itself; nor was there any reason to suppose that the views of the Secretary had recently undergone change. Under such circumstances, however, it was perhaps in no way so remarkable, nor did it afford just ground for animadversion, that the din of preparation for war in the one country was concurrent with the din of approval of the seizure in the other.

"Soon after your last letter was written [November 16] you must have learnt of the affair of the *Trent*, and the serious complications which it must produce. I am bound to warn you that war is too likely to be the result. Such an insult to our flag can only be atoned by the restoration of the men who were seized when under its protection, and with Mr. Seward at the helm of the United States, and the mob and the Press manning the vessel, it is too probable that this atonement may be refused."

To the same effect, William H. Russell wrote as follows to the *Times*:—"In the present temper of the American people, no concessions can avert serious complications very long, or the surrender of all the boasted privileges of the *Civis Romanus*. . . .

"There is a popular passion and vengeance to be gratified by the capturing and punishment of Mr. Mason and Mr. Slidell, and I believe the Government will retain them at all risks because it dare not give them up, not being strong enough to do what is right, in the face of popular sentiment. . . . I was much struck with the deep spirit of animosity displayed by some friends of mine, for whom I entertain a great respect, in speaking of the probable act of Great Britain:—'If we are forced now in our hour of weakness to give up Mason and Slidell, I trust to God that every man in America will make a solemn resolve to let England feel the force of our resentment and an undying revenge when next she is involved in any difficulty.'" Letter of November 12, printed in the issue of the *Times* for December 3, 1861.

"As I write there is a rumour that Messrs. Mason and Slidell are to be surrendered. If it be true this Government is broken up. There is so much violence of spirit among the lower orders of the people, and they are so ignorant of everything except their own politics and passions, so saturated with pride and vanity that any honorable concession even in this hour of extremity would prove fatal to its authors." From letter dated November 25, in the issue of the *Times* of December 10, 1861.

The general understanding and accepted popular conviction in Great Britain was thus set forth in an editorial in the *Illustrated London News* of December 14, 1861: "While it is broadly stated on all hands on this side of the water that a restoration of the old Union is assuming the aspect of an impossibility, it has been whispered that such an opinion has secretly taken root in the minds of the Cabinet at Washington, and that a contest with England is adopted as a policy out of which may spring a pretext for the ultimate acknowledgment of the independence of the South. If this is really the case, why, all ground for argument is cut away, and it must be readily admitted that no course more calculated to attain that end could have been selected than that of bringing on a quarrel with this country."

Meanwhile the news of the excitement occasioned throughout Great Britain by Wilkes' act had reached America on the 12th, six days previous. The four dates most necessary to bear in mind are therefore the 16th of November, when the news of the seizure reached America; the 27th of the same month, when the same news reached Europe; the 12th of December, when the extreme seriousness of the situation dawned on the American mind through tidings of the British excitement and consequent demands; and, finally, the 18th of December, when it became apparent that a decision as to the course to be by it pursued had to be reached within one week by the American Government. Thus, between the date of the arrival of the *San Jacinto* at Hampton Roads (November 15), and the announcement from Washington that the envoys would be surrendered (December 26) forty days elapsed. This was a most important factor; for, as the result showed, during that period the popular effervescence had time in which to subside, while by the forty-first day the sober second thought might to a degree be invoked with some assurance of a response. An Anglo-Saxon community rarely goes daft permanently.

It was so in this case; and, though both in public and private, some, like Hale of New Hampshire and Lovejoy of Illinois in Congress, and two of the sons of Mr. Adams in private correspondence, foamed at the mouth, swearing inextinguishable hatred of Great Britain and asseverating an unalterable determination to bide their time for revenge on that arrogant and overbearing nationality,<sup>1</sup> so far as the great body of public

<sup>1</sup> The absurdities and excesses of speech into which the prevailing epidemic of excitement led people at this juncture seem now simply incredible. For instance, one gentleman rushed into print proposing as a remedy for existing conditions that Mason and Slidell should at once be sentenced, convicted as traitors, and hanged, — this before Great Britain could formulate any demands for their surrender. The whole difficulty, he claimed, could thus be disposed of.

The favorite formula, however, seems to have been of a Hamilcarian character, — that is, the swearing of one's offspring to eternal hatred. Of this there were many cases; for example, Mr. Lovejoy, a member of Congress, of Illinois, thus expressed himself on the floor of the House of Representatives on the afternoon of January 7, when the correspondence between Secretary Seward and the British Government, relative to the *Trent* case, were laid before the House: "I am made to renew the horrible grief which I suffered when the news of the surrender of Mason and Slidell came. I acknowledge it, I literally wept tears of vexation. I hate it; and I hate the British government. I have never shared in the traditional hostility of many of my countrymen against England. But I now here publicly avow and record my inextinguishable hatred of that government. I

opinion was concerned the insanity passed away almost as suddenly as it had asserted itself. Reason resumed its sway.

And yet, while this greatly to the credit of the American people proved in the outcome to be the case, at the time such grave doubt was felt as to the popular reception of the decision to surrender the envoys that they were actually smuggled out of Boston harbor, Provincetown being selected as the point of delivery to a British frigate. This was suggested by Mr. Seward to Lord Lyons as the better course, the Secretary being "apprehensive that some outrage would be offered by the populace to the prisoners and the British flag." No sufficient grounds in reality existed for any such apprehension, but at the same time a reliable correspondent wrote from Boston to Charles Sumner that "the whole population were terribly excited, ready to plan any kind of an expedition to sink the vessel that should be sent to convey the Rebels from Fort Warren."<sup>1</sup> So general was this belief that Russell, the *Times* correspondent, then at Washington and in very direct daily communication with the best informed authorities, "resolved to go to Boston being satisfied that a great popular excitement and uprising will, in all probability, take place."<sup>2</sup> The delivery did not, however, in fact, occasion a ripple of lawlessness.

Such being the facts of the "affair" and the dates of the occurrences in its development, it is of interest now, and certainly not without its value as matter of experience, to con-

mean to cherish it while I live, and to bequeath it as a legacy to my children when I die. And if I am alive when war with England comes, as sooner or later it must, for we shall never forget this humiliation, and if I can carry a musket in that war I will carry it. I have three sons, and I mean to charge them, and do now publicly and solemnly charge them, that if they shall have at that time reached the years of manhood and strength, they shall enter into that war."

To the same effect Captain Dahlgren, of the navy, vowed to Mr. Russell that if England should avail herself "of the temporary weakness of the United States to get back the rebel commissioners by threats or force, every American should make his son swear eternal hostility to Great Britain."

Finally, one of Mr. Adams' sons, writing to his father, expressed himself in the same vein, as follows:—"I at least would care to impress but one thing on a son of mine, and that should be inveterate, undying, immortal hatred of Great Britain. In this I do not feel that I am at all exaggerating the general feeling here." He wrote December 30, 1861.

A curious collection might be made of utterances of the same import at that juncture.

<sup>1</sup> *Works*, VIII. 102.

<sup>2</sup> Russell, *My Diary*, II. 428-429.

sider the courses then possible to have been pursued by the United States and to contrast them, coolly and reflectively, with that which was actually pursued. And in so doing the thought which first suggests itself is one not conducive in us to an increased sense of national pride. What an opportunity was then lost! How completely our public men, and through them our community, failed to rise to the height of the occasion! For, viewed in the perspective of history, it is curious, and for an American of that period almost exasperating, to reflect upon what a magnificent move in the critical game then conducted would have been made had the advice of Montgomery Blair been followed to the letter and in spirit. To carry out the simile, by such a playing of the pieces on the board as he suggested, how effectually a checkmate would have been administered to the game of both the Confederates and their European sympathizers! In the first place, the act of Wilkes, as was subsequently and on better reflection universally conceded, was ill-considered, improper, and in violation of all correct naval usage. It should have been rebuked accordingly and officers should have been taught by example and at the commencement that they were neither diplomatic representatives nor judicial tribunals administering admiralty law. It was for them to receive instructions and implicitly to obey them. A reprimand of much the same nature was at almost this very time administered to General John C. Frémont, when in Missouri he undertook by virtue of martial law to proclaim the freedom of the slave throughout the military department under his command. His ill-considered order was revoked; and he was officially instructed that he was to confine himself to his military functions, and that the administration reserved to itself all action of a political character. So much for Captain Wilkes, and the reprimand he should have received because of his indiscreet and unauthorized proceeding.

Next, such a line of conduct would have been on the part of the Government in severe and manly adherence to the past contentions of the United States. It would have recognized in the action taken by Wilkes an attempt to carry the right of search and power of impressment far beyond any precedent ever established by the British Government, even in the days of its greatest maritime ascendancy, and consequent arrogance.

In the strong and contemptuous language of Mr. Adams, America, in sustaining Wilkes, was consenting "to take up and to wear [Britain's] cast-off rags." If, instead of so bedizening itself, the United States had boldly, defiantly, and at once now adhered to its former contentions, its attitude would have been simply magnificent; and, as such, it would have commanded respect and admiration.

Nor was this aspect of the situation wholly unseen by some at the time; for, writing from his post in London to J. L. Motley in Vienna on the 4th of December, 1861, the date at which the tension between the United States and Great Britain was at the breaking point, Mr. Adams thus expressed himself: "It ought to be remembered that the uniform tendency of our own policy has been to set up very high the doctrine of neutral rights, and to limit in every possible manner the odious doctrine of search. To have the two countries virtually changing their ground under this momentary temptation would not, as it seems to me, tend to benefit the position of the United States.<sup>1</sup> Whereas, a contrary policy might be made the means of securing a great concession of principle from Great Britain. Whether the government at home will remain cool enough to see its opportunity, I have no means of judging." And a few days later — December 7, 1861 — John Bright, writing to Charles Sumner, expressed himself to the same effect: "You may disappoint your enemies by the moderation and reasonableness of your conduct, and every honest and good man in England will applaud your wisdom. Put all the fire-eaters in the wrong, and Europe will admire the sagacity of your Government." "Sagacity of your Government!" That phrase expressed exactly what the situation called for, and got only in a very modified degree.

<sup>1</sup> The timidity and hesitation with which Americans then advanced, for it cannot be said they really advocated, the traditional American policy, are fairly matter of surprise. For instance, in a letter to the *London Times*, printed in its issue of December 14, — a letter which Mr. Adams criticised at the time as being "a little too smooth and deprecating," — Mr. Thurlow Weed thus cautiously referred to the law as laid down by Lord Stowell: "Were I at all qualified to enter into the legal argument I should be inclined to accept your view of the question, to wit, that time and circumstances have so far changed the practice, reformed the principles of international maritime law as to render the earlier precedents and authorities largely inapplicable to existing cases." *Memoir of Thurlow Weed*, II. 354.

Taken immediately and openly in the presence of the whole world, the position advised by Blair would have indicated the supreme confidence we felt in our national power, and the pronounced contempt in which we held both those whom we called "rebels" and those whom they termed their "envoys." If reached and publicly announced after mature deliberation during the week which followed the announcement of the seizure from Fortress Monroe (November 23), as trans-Atlantic communication was conducted in those days the news would scarcely have reached England before the 3d of December, just three days after the peremptory and somewhat offensive despatch of Earl Russell demanding the immediate surrender of the arrested envoys was beyond recall or modification, well on its way to America. A situation would have resulted almost ludicrous so far as Great Britain was concerned, but, for the United States, most consistent, dignified and imposing. Excited, angry, arrogant, bent on reparation or war, Great Britain would have been let down suddenly, and very hard and flat. Its posture would, to say the least, have been the reverse of impressive. But for us it would have established our prestige in the eyes of foreign nations, and once for all silenced the numerous emissaries who were sedulously working in every part of Europe to bring about our undoing through foreign interference. In particular, the immediate delivery of the envoys, in advance of any demand therefor and on the very ship which had undertaken to exercise the right of search and seizure under the command of the officer who had thus exceeded his authority and functions, would, so to speak, have put the Government of Great Britain thenceforth under bonds, so far as the United States was concerned. Thereafter any effort, either of the "envoys" thus contemptuously surrendered or of other Confederate emissaries, would, so far as this country was concerned, have been futile. Reciprocity would from that moment have been in order, and all question of foreign recognition would have ceased. The whole course of international events in the immediate future would probably have been far different from what it was; for with what measure we had used, it would necessarily have been measured to us again.

Such a line of conduct immediately decided on and boldly

declared would have been an inspiration worthy of a Cavour or a Bismarck; but, though actually urged in the Cabinet meetings by Montgomery Blair, its adoption called for a grasp of the situation and a quickness of decision which, very possibly, could not reasonably be expected under conditions then existing. It also may even yet be urged that, if then taken and announced, such a policy would have failed to command the assent of an excited public opinion. That it would have failed to do so is, however, open to question; for it is more than possible, it is even probable, that American intelligence would even then have risen at once to the international possibilities presented, and in that crisis of stress and anxiety would have measured the extent to which the "affair" could be improved to the public advantage. The national vanity would unquestionably have been flattered by an adherence so consistent and sacrificing to the contentions and policies of the past. The memories of 1812 would have revived. However, admitting that a policy of this character, now obviously that which should have been pursued, was under practical and popular conditions then prevailing at least inadvisable, it remains to consider yet another alternative.

Assuming that the course pursued remained unchanged an entire month after the seizure, and up to the 12th of December, when the news arrived in America of the excitement occasioned by the seizure in Great Britain and the extreme seriousness of the situation resulting therefrom, — assuming this, it is now obvious that the proper policy then and under such conditions to have been adopted, although it could not have produced the results which would have been produced by the policy just considered if adopted and announced ten days earlier, would still have been consistent and dignified, and, as such, would have commanded general respect. It was very clearly outlined by Mr. Adams in a letter written to Cassius M. Clay, then the representative of the country at St. Petersburg, in the following month. He expressed himself as follows: — "Whatever opinion I may have of the consistency of Great Britain, or of the temper in which she has prosecuted her latest convictions, that does not in my judgment weigh a feather in the balance against the settled policy of the United States which has uniformly condemned every and any act

like that of Captain Wilkes when authorized by other nations. The extension of the rights of neutrals on the ocean and the protection of them against the arbitrary exercise of mere power have been cardinal principles in the system of American statesmen ever since the foundation of the Government. It is not for us to abandon them under the transient impulse given by the capture of a couple of unworthy traitors. What are they that a country like ours should swerve one hair from the line of its ancient policy, merely for the satisfaction of punishing them?"

If the advisers of Mr. Lincoln had viewed the situation in this light, when his Secretary of State sat down to prepare his answer to the English demand he would at once with a bold sweep of the hand have dismissed as rubbish the English precedents and authorities, reverting to the attitude and contentions uniformly and consistently held by the Government for which he spoke, during the earlier years of the century. The proceeding of Captain Wilkes would then have been pronounced inconsistent with the traditions and established policy of the United States, and the line of action by it to be pursued in the case immediately presented would have been dictated thereby. The course to be pursued on the issue raised was clear, and the surrender of the envoys must be ordered accordingly; — and this in no degree because of their small importance, as suggested by Lord Palmerston in his talk with Mr. Adams — though unquestionably the fact would have secretly exercised no little influence on the mind of the Secretary — and still less was it ordered because of any failure of Captain Wilkes to seize the *Trent* as prize on the ground of alleged breach of neutrality: but exclusively for the reason that the seizure in question was unauthorized, in direct disregard of the established policy of the United States and its contentions in regard to the rights of neutrals, clearly and repeatedly set forth in many previous controversies with the Government represented by Earl Russell. From that policy, to quote the language of Mr. Adams, "this country was not disposed to swerve by a single hair's breadth." In accordance with it, delivery of the so-called "envoys" was ordered.

Again, an opportunity was lost! Such an attitude would have been dignified, consistent and statesmanlike. It would

have had in it no element of adroitness and no appearance of special pleading. It could hardly have failed immediately to commend itself to the good judgment as well as pride of the American people, and it would certainly have commanded the respect of foreign nations.

Of the elaborate, and in many respects memorable, despatch addressed by Secretary Seward to Lord Lyons, in answer to the categorical demand for the immediate release of the two envoys,<sup>1</sup> it is not necessary here to speak in detail. It is historical, and my paper has already extended far beyond the limits originally proposed. Of this state paper I will therefore merely say that, reading it now, "clever," not "great," is the term which suggests itself as best descriptive. Much commended at the time, it has not stood the test.<sup>2</sup> In composing it, the

<sup>1</sup> In his official despatch conceding the surrender of the envoys, Mr. Seward observed that the British claim for reparation was not made "in a discourteous manner." A later writer, however, has referred to the "indecent haste and manifest unfairness of the whole proceeding, as well as the bombast and implied threats" contained in Lord Russell's letters to Lord Lyons. Without going into details on this subject, it may however be observed that, so far as the United States is concerned, the despatch in question, as respects either language or peremptoriness of tone, would compare not unfavorably with the subsequent attitude and utterances of our spokesmen in the case of the difficulty of this country with Chili, as set forth in President Harrison's message of January 12, 1892, anent, the assault on American sailors in Valparaiso; or with those of President Cleveland as embodied in the memorable Venezuela message directed at Great Britain, December 17, 1895; or with those of President McKinley in his message of April 11, 1898, communicating his ultimatum preceding the war with Spain; or with the course adopted by President Roosevelt in February, 1904, towards the United States of Colombia, as respects the independent Republic of Panama proclaimed as per arrangement the day previous by a band of trembling conspirators. To the record in all these cases it is unnecessary in this connection more particularly to refer.

<sup>2</sup> A far harsher criticism must, however, be passed on the memorandum of Secretary Chase, read at the Cabinet meeting of December 26, 1861, and printed in Warden, *Private Life and Public Letters of Salmon P. Chase*, 393, 394. It was distinctly childish; for Mr. Chase then said of Captain Wilkes' act:—"However excused or even justified by motives, the act of removing [Messrs. Mason and Slidell] as prisoners from the *Trent*, without resort to any judicial cognizance, was in itself indefensible. We could not deny this without denying our history. Were the circumstances reversed, our government would, Mr. Chase thought, accept the explanation; and let England keep her rebels; and he could not divest himself of the belief that, were the case fairly understood, the British government would do likewise. . . . It is gall and wormwood to me. Rather than consent to the liberation of these men, I would sacrifice everything I possess." It is hardly necessary to observe that it has not been the practice of either Great Britain or the United States to yield up political refugees, or "rebels" asking

writer plainly had his eye on the audience; while his ear, so to speak, was in manifest proximity with the ground. Indeed, his vision was directed to so many different quarters, and his ear was intent on such a confusion of rumblings that it is fair matter for surprise that he acquitted himself even as successfully as he did. In the first place, it was necessary for him to persuade a President who had "put his foot down," and whose wishes inclined to a quite different disposition of the matter. In the next place, the reluctant members of a divided Cabinet were to be conciliated and unified. After this, Captain Wilkes, the naval idol of the day, must be justified and supported. Then Congress, with its recent commitments as respects approval, thanks, gold medals, etc., had to be not only pacified, but reconciled to the inevitable; and, finally, an aroused and patriotic public opinion was to be soothed and gently led into a lamb-like acquiescence. The situation in the aspect it then bore, was, it cannot be denied, both complicated and delicate. Accordingly, one is conscious, in reading the Secretary's communication to Lord Lyons of December 26, 1861, of a distinct absence therein of both grasp and elevation; and it can hardly be denied that there was truth in the criticisms passed upon it by Hamilton Fish, in a letter to Charles Sumner, written at the time. Mr. Fish, then in retirement, not impossibly entertained feelings of a nature not altogether friendly towards Mr. Seward, whose colleague he had been in the Senate, and whom later he was to succeed in charge of the Department of State. They were both from New York, and had been contemporaneously active in New York politics. Those also whose attention has been called to the grounds of comparison will, perhaps, hardly be disposed to deny that for natural grasp of the spirit and underlying principles of international law, Hamilton Fish was better endowed than either Seward or Sumner. Fish now wrote: — "In style [the letter] is verbose and egotistical; in argument, flimsy; and in its conception and general scope it is an abandonment of the high position we have occupied as a nation upon a great principle. We are humbled and disgraced, not by the

right of asylum, on the demand of any Government claiming their allegiance, to "keep her rebels." The Koszta case is here distinctly in point. Secretary Chase appears when writing this memorandum to have been somewhat oblivious of that precedent.

act of the surrender of four of our own citizens, but by the manner in which it has been done, and the absence of a sound principle upon which to rest and justify it. . . . We might and should have turned the affair vastly to our credit and advantage; it has been made the means of our humiliation."

The ultimate historical verdict must apparently be in accordance with the criticism here contemporaneously expressed. The Seward letter was inadequate to the occasion. A possible move of unsurpassed brilliancy on the international chessboard had, almost unseen, been permitted to escape us.

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EVERETT TO ADAMS.<sup>1</sup>

BOSTON, 20 August, 1861.

MY DEAR SIR, — I had great pleasure in receiving your letter of the 26th July, and in your favorable opinion of my oration, which has also been kindly spoken of here.<sup>2</sup>

You informed me some time ago that Lord John — no longer Lord John<sup>3</sup> — had read you a part of my letter to him of the 29th of May. I have thought you might like to see his answer, of which I accordingly send you a copy. I also venture to place under cover to you my reply to him, unsealed, should you be inclined to read it. You will be pleased before sending it, to seal it with some indifferent seal.

I do not think I can add anything, as to the progress of the war, beyond what the papers will tell you. The Secretary of the Treasury has made satisfactory arrangements for the great loan. The Boston banks take at once ten millions. Some significant remarks were made at a meeting of the Presidents of our Banks, by Mr. Wm. Gray, to the effect that the country desires a united and efficient cabinet; and Mr. Gray, W. T. Andrews and another gentleman were chosen a committee to make this suggestion formally to the President. It was supposed to be aimed at General Cameron and Mr. Welles.

A rather unpleasant impression was produced on the public mind yesterday, by the call of the Secretary of War, to have all the volunteers, accepted either by the Department or the State Governments, hastened on to Washington, with or without equipments and arms.

<sup>1</sup> From the Adams MSS.

<sup>2</sup> Probably the address on "The Questions of the Day," delivered in New York, July 4, 1861, and printed in *Orations and Speeches*, IV. 345.

<sup>3</sup> Lord John Russell had been raised to the peerage, as Earl Russell, in July, 1861, the preceding month.

We are so unaccustomed to war, that every little incident, and especially every reverse tells upon the public mind, far beyond its importance, and the pulse of the community rises and falls, like the mercury in the thermometer.

Our newspapers are filled with the absurdest suggestions, about the unfriendly interference of England and France. But I am confident, that before the next crops of cotton and tobacco are ready for shipment, the Southern Ports will be so effectually blockaded, as to put any such interference out of the question. . . .

EDWARD EVERETT.

[Enclosure.]

LORD JOHN RUSSELL TO EVERETT.

PEMBROKE LODGE, July 12, 1861.

MY DEAR MR. EVERETT, — I have hitherto delayed answering your letter of the 28th of May, in hopes that a better feeling, and I must say a juster feeling towards us might spring up in the United States. I am not sure that this is the case, but I am told there has been a lull. In the interval before a fresh storm arises, I will write a few lines as to our position.

I shall say little as to yours; I respect the unanimous feeling of the North, and still more the resolution not to permit the extension of Slavery which led to the election of President Lincoln. But with regard to our own course, I must say something more. There were according to your account 8 millions of freemen in the Slave States. Of these millions upwards of five have been for sometime in open revolt against the President and Congress of the United States. It is not our practice to treat five millions of freemen as pirates, and to hang their sailors if they stop our merchantmen. But unless we meant to treat them as pirates and to hang them we could not deny them belligerent rights. This is what you and we did in the case of the South American Colonies of Spain. Your own President and Courts of Law decided this question in the case of Venezuela.

Your press has studiously confused the case by calling the allowance of belligerent rights by the name of recognition. But you must well know the difference.

It seems to me however that you have expected us to discourage the South. How this was to be done, except by waging war against them I am at a loss to imagine.

I must confess likewise that I can see no good likely to arise from the present contest. If on the 4th of March you had allowed the Confederate States to go out from among you, you could have pre-

vented the extension of Slavery and confined it to the slaveholding States. But if I understand your Constitution aright you cannot do more in case of successful war, if you have to adhere to its provisions and to keep faith with those states and parts of states where slavery still exists which have not quitted the Union.

I regret the Morrill Tariff and hope it will be repealed. But the exclusion of our manufactures from your markets was surely an odd way of conciliating our good will.

I thank you for your condolence on the death of my brother. It is a grievous loss to me, after half a century of brotherly affection. I remain, Yours faithfully,

J. RUSSELL.

EVERETT TO ADAMS.

BOSTON, 29 October, 1861.

MY DEAR MR. ADAMS, — I had much pleasure in receiving yours of the 5th of October by the last steamer. The fair prospect, to which you allude, as produced by the prosperous turn of things here, is a little clouded by the news, which this steamer will carry to you of another reverse to our arms near Leesburg. It seems to have been a sad blundering piece of business. There is a general willingness to lay the blame on poor Colonel Baker. *Les morts, aussi bien que les absens, ont toujours tort.*

The great naval expedition has sailed from Fortress Monroe. Its success, if it fully succeeds, will be all important, — and its failure proportionately disastrous.

Mr. de Stoeckel sat half an hour with me today. He talked in the sense of Prince Gortschakoff's letter; but rather gloomily of our cause. He distrusts the ability of McClellan to handle the large army under his command, and thinks General Scott, tho' his faculties are unimpaired, pretty nearly "used up"; — I am sorry to use that cant phrase of the noble old chief. Stoeckel says that France and England have intimated to our Government, that the domestic interests of their subjects absolutely require, that the supply of cotton should not be much longer obstructed, and that if the present state of things continues, they shall be compelled, with great reluctance, to take measures for the relief of their subjects, who, according to Stoeckel, will otherwise starve or rebel; and of course the latter. He says *he knows* these intimations have been made.

I read to Stoeckel a part of your letter, — not of course that which you wrote in confidence. He said, *à propos* of the European Complications, that Prince Gortschakoff wrote him that they were numerous and grave; that Russia could not prevent their existence, but thus

far had been able to prevent their leading to war; and that as this season had passed without a rupture, and Winter was at hand, Peace was sure to be preserved, at least till next year. Baron Brunnow writes to Stoeckel, that John Bull affects to weep from sympathy, when brother Jonathan cries with the tooth-ache, but chuckles in his sleeve, as poor Jonathan's teeth, with which he is accustomed to bite so hard, are pulled out by his own doctors. Mr. Seward has requested me to come to Washington to confer on some public business (he does not say what) and I shall start on Wednesday. . . .

EDWARD EVERETT.

EVERETT TO ADAMS.<sup>1</sup>

BOSTON, 9 November, 1861.

MY DEAR MR. ADAMS, — I have to thank you for your two very valuable letters of the 5th and 25th of October. I write a little in advance of the sailing of the steamer, as I shall be much engaged next week. . . .

I do not attempt to send you any intelligence, as the steamer will bring you 4 days later dates, and especially will probably bring some important information about the great naval expedition. It was the impression at Washington, that it had escaped the fury of the gale of the 2d, and what little information we have is to that effect.

We have had another atrocious military blunder at Ball's Bluff. As usual nobody is to blame, and nobody is responsible. The fault is generally ascribed to Colonel Baker, he being dead. Our Massachusetts young men appear to have behaved nobly, but it is almost maddening to see these precious young lives thrown away, and the great cause endangered by these constantly recurring blunders.

What I said of Mr. Seward's too belligerent propensities was founded a good deal on Mr. Sumner's statements. I made allowance for the evidently unfriendly tone, in which they were made, but I would not have supposed them so exaggerated, as I now incline to think them. They were in part confirmed by a Captain Taylor, late of the British army, — who brought me 2 or 3 years ago a letter from his uncle, the late Archbishop of York, — who told me that Mr. Seward had said to Russell, the correspondent of the "Times," that he was willing to go to war with England and France to-morrow, and that on his (Taylor's) repeating this to Lord Lyons, Lord Lyons replied, "I can believe it; he has said much the same to me," adding "he treats me so, I can't go to the department." All this, however,

<sup>1</sup> From the Adams MSS.

cannot be true, if any of it is. Mr. Seward told me his personal relations with Lord L. were perfectly friendly. I saw a letter of the Duke of Argyll to Mr. Sumner, expressing lively fears that Mr. Seward was driving the country into a war;<sup>1</sup> this was some three months ago; and Dean Milman, in a letter to me of the 16th October, speaks of Mr. Seward's having threatened an invasion of Canada.

Please let me know, if you can, the author of the article on our affairs in the last number of the *Edinburgh Review*, — that for October.

Mr. Seward has requested me, as he has Thurlow Weed, Archbishop Hughes, J. P. Kennedy, Bishop McIlvaine, and R. C. Winthrop, to go to England and France, for two or three months unofficially and as volunteers, to endeavor, through social channels, to counteract the influence of the Secessionists, who are said to be swarming at London and Paris and producing an effect on public opinion. I see many objections to going, — the vagueness of the errand, the strangeness of the grouping (which however is of less consequence, as there is no official character to be kept up and consequently no joint action necessary, nor probably expedient), the wintry voyage, some twenty-five or thirty engagements to speak — and now the attention, which it may be necessary to give to my son's affairs, which may indeed prove to me an insuperable barrier. I will add also, in entire sincerity, that I believe, from all I know and all I hear, not only that the official duties of the American minister are performed by you in a manner which leaves nothing to desire, but that whatever can be effected through social influences is accomplished with equal skill and success. I am not quite sure, that it would be wise, to send out half a dozen *volunteers* when the *regular* service is so efficient.

I wish you would, with entire unreserve, give me your opinion of the matter, by which, if I am able to come (which is quite doubtful), I should be much governed. I learn today from Washington, much to my satisfaction, that Mr. Seward consents to postpone for some time — perhaps indefinitely — further action in this matter.

You will not suppose for a moment that I imagine Mr. Seward to labor under the impression, that your hands need strengthening. But he seems to think something can be done by purely unofficial influences, in social intercourse by private travellers, in which capacity only the persons named are to go abroad.

The whole movement was to be confidential, but it is already in the papers, I know not through what means.

<sup>1</sup> Pierce, *Memoir and Letters of Charles Sumner*, iv. 31.

I have written too long a letter already, but having half a page left, I will add, that, while in Washington the other day, I had a long and interesting conversation with M. Mercier, the purport of which was that France suffered so much by the present state of things in this country, that she would be compelled, in self-defence, *to take measures of relief*. I asked him what measures, and he answered "Recognition of the Confederacy." I told him that of itself, though it would give great moral aid to the South, would not help France. He admitted this and said in substance they must break the blockade. I replied, "this would be war with the U. S." He did not deny this, but seemed to think, on the near and certain approach of such a result, we should give way. I told him he could not be in earnest in thinking his government would go to war with a friendly power merely to promote domestic interests. He said necessity knew no law. I believe substantially the same language is held by him officially. I think it is intended to frighten us into yielding, and told him so. But that he disclaimed. Stoeckel told me Louis Napoleon was thoroughly frightened, at the fear of a general *émeute*. You will put your own interpretation on all this. *Valeat quantum*. As ever, sincerely yours

E. E.

P. S. The N. Y. Herald says "Mr. Adams is the right man in the right place." If the Herald commends you, you will begin to read the first clause of Luke VI, 26, with some anxiety.<sup>1</sup>

#### WINTHROP TO KENNEDY.<sup>2</sup>

BOSTON, 18 November, 1861.

I wrote Seward some days ago that you had encouraged me to think there was less urgency for any of us to go abroad, and that I was indisposed to go for domestic reasons. But who needs to go, after your glorious Maryland Election, and the success of the Port Royal Expedition! And now comes the climax, — Mason and Slidell caught and brought back! When I presented you and Mason to the multitudé at Bunker Hill, how little he thought the name of Warren would have such associations for him — the Statue and the Fort!<sup>3</sup>

<sup>1</sup> "Woe unto you, when all men shall speak well of you! for so did their fathers to the false prophets."

<sup>2</sup> From the Winthrop MSS.

<sup>3</sup> On June 17, 1857, the Bunker Hill Monument Association dedicated the statue to Joseph Warren, and among the speakers on the occasion were James M.

His tone was insolent enough on that occasion, yet I will not triumph over him now. To think of Mason, Slidell, and Gwin, and still more of Morehead and Faulkner, and your friends Brown and Wallis, confined in the casements of an Island Fortress, away from home and friends, and subject to the punishment of Traitors, fills me with horror. Yet I know not what else the Government could do with some of them, tho' I am afraid Faulkner and Morehead have been dealt with too summarily. I sent down some Sherry a fortnight ago, and offered to go myself, but the officer said I could speak to none of them; I told him of your interest in your friends.<sup>1</sup> I also helped to get great coats, to prevent the North-Carolina soldiers from freezing. Are we to have war with England? A war of words we certainly shall have. Seward's recent letters and proclamations have greatly irritated the English mind, and I hope he will be prudent in his management of this arrest case. It gives undoubted cause for complaint, and the complaint ought not to be met with defiance. Proper explanations, in a civil way, will save a world of trouble. . . .

ROBERT C. WINTHROP.

#### DANA TO ADAMS.<sup>2</sup>

BOSTON, Nov. 25, 1861.

MY DEAR MR. ADAMS, — Allow me to submit to your consideration a few words from the D[aily] Advertiser which I sent, on the Mason-Slidell question.

I hope you now feel better about the news. Wilkes has done a noble thing, and done it well. It has, with all its elements of poetic justice, struck a chord in the public heart that only a great victory could have struck.

The Port Royal affair was also well done. There appears to be a healthier feeling everywhere, since these two events.

The military congregations are gradually crystallizing into armies. Even Ball's Bluff has rather helped us than hurt us, in our own esteem, as our men behaved admirably and were overpowered by numbers. Our force was, all told, short of 1800. Gen. Evans admits a "regular force" of 2700. All told, he had nearer 4500. But, why do we blunder into such positions? West Virginia and Kentucky do better. No military men blame Gen. Stone. His plan

Mason and John P. Kennedy. A full account of the celebration was published by the Association in 1858.

<sup>1</sup> See p. 89 *n*, *infra*.

<sup>2</sup> From the Adams MSS. Printed, in part, in Adams, *Richard Henry Dana*, II. 259.

was good and his orders right. The repulse was owing to an error or neglect of Baker's, or was inevitable.

Your speech at the Lord Mayor's dinner has given much satisfaction here as in England.<sup>1</sup> I congratulate you upon it.

Sumner's speech is a magnificent exposition (I mean his late speech, since October 1) of the sin and horrors of slavery and its ill effect on all our politics, causing and sustaining this rebellion, etc., etc.<sup>2</sup> But so far as a policy, measures, — a principle of action is concerned, it is vague. He seems to assume that if our twenty millions can be made to hate slaveholders and slavery badly enough, and to believe that they can hit 'em hard, all the rest will take care of itself. If the steam is got up to the highest, and the boat headed into them, all else is immaterial. I cannot agree to that. Under the war power we can do what is (1) necessary for the purposes of the war, (2) justified by humanity, good sense, and the consent of Christendom. I know no other limits. But Sumner makes the abolition of slavery by force the moral justification and end of the war. The war is a means. He preaches a holy crusade. But we cannot justify *war on the domestic institutions of the Southern States*, as an end and object. We must not propagate even Christianity by the sword. The war must be to sustain the Constitution, and prevent the establishment of an independent nation in our limits; or, if we admit the Union and Constitution to be at an end as matter of law and of fact, then we can justify it only on the ground of an imperial and paramount necessity to establish one govt. over the old limits, wholly, or so far as we choose, taking the responsibility for the negroes on ourselves. The difficulty with Sumner is this. He has had great difficulty in justifying a support of the Constitution with its slave clauses. He has great difficulty in justifying *war* on any terms. But to justify war, in order to sustain the Constitution that itself needs justification, is too much for him. He relieves his conscience by preaching this to be a holy crusade to abolish slavery.

Pardon my long discourse, and believe me with great respect,  
Yours truly,

RICHARD H. DANA, JR.

<sup>1</sup> May 10. The speech is printed in the *Boston Daily Advertiser*, November 25, 1861. On the 9th the two Confederate Commissioners, William L. Yancey and A. Dudley Mann, had dined with the Fishmongers Company of London. Yancey's speech will be found in the same journal, November 26.

<sup>2</sup> In Sumner's *Works*, vi. 7, 71, are printed his speech of October 1, before the Republican State Convention at Worcester, Massachusetts, and "The Rebellion," delivered on November 25, as below (p. 90 n). The reference is probably to the former.

[Enclosure.]

THE CASE OF MESSRS. MASON AND SLIDELL.<sup>1</sup>

We desire to call the attention of our readers to the following communication, upon the legal aspect of the seizure of Mason and Slidell, coming to us from a source which entitles it to weight:—

To the Editors of the Boston Daily Advertiser:

The case of Messrs. Mason and Slidell is usually treated as if it were one of ambassadors. But it is a far stronger case for the United States.

The very question of this war is, whether an independent nation shall be set up within the limits of the United States. To attempt that by force of arms is treason against our Government, and an act of war within the law of nations. To assume the character of an ambassador from such a power, while the war is raging, is an act of hostility. If any foreign nation should acknowledge the insurgents as a nation, and receive their ambassadors and make treaties with them, such acts, in the present posture of the war, would be acts of hostility to the United States, of the highest character.

The insurgents are attempting to set up such an independent sovereignty within our limits, to obtain its recognition by foreign powers, and to make treaties with those powers, injurious to us and beneficial to the insurgents. Messrs. Mason and Slidell were bound on that very errand, to the courts of Europe.

Now, the ambassador of a recognized nation, bound to a distant court, in the regular course of routine, with nothing unusual attending his case, if his nation be at war, is treated by the law of nations as an emissary hostile to the enemies of his country, from the nature of his office. It is always his duty, and may be within his power, to make his mission useful to his country and injurious to its enemy. If a neutral vessel is asked to take him and his despatches on their way, to give effect to their mission by transporting them, the neutral cannot know or learn whether and how far the mission may be hostile. He must not intervene.

But, in the present case, the mission is, in its very nature, necessarily and solely, a mission hostile to the United States. It is treason within our municipal law, and an act in the highest degree hostile, within the law of nations. If a neutral vessel intervenes to carry such persons, on such a mission, she commits an act hostile in the same degree.

There are also circumstances of aggravation, not affecting the

<sup>1</sup> From the *Boston Daily Advertiser*, November 26, 1861.

legal character of the offence, but adding to its degree of hostility. It was notorious that these emissaries could not be safely taken on their mission by vessels of their own country. To afford them the concealment and safeguard of a neutral flag, was giving them aid where it was most needed. But for unusual enterprize in getting information, and resolution in the performance of duty, the aid afforded would have given all the consummation to the objects of the enemy which they needed on the high seas.

We rather look to see Mr. Seward or Mr. Adams call the immediate attention of Her Majesty's government to this violation of neutrality, than to see Lord Lyons or Earl Russell addressing our government on the subject.

#### WINTHROP TO ADAMS.<sup>1</sup>

BOSTON, 25 November, 1861.

MY DEAR SIR, — Your kind letter of October 10th was duly received. It was all the more welcome because I had not dreamed of putting you to the trouble of acknowledging my brief note of last summer. And I have delayed thanking you as soon as I should otherwise have done, lest I should seem to be involving you in the trouble of private correspondence, at a moment when more than all your time must be required for public business. Let me beg you, therefore, never to feel under the slightest obligation to reply to any little note of mine, unless there be some service which I can render you here, or until the return of peace shall have released you from the heavy anxieties and responsibilities which are now upon you.

It has occurred to me that you may be glad to be reminded, in connection with the case of Henry Laurens which is everywhere cited as a precedent for the seizure of Mason and Slidell, that the present Lord Albemarle has, at this moment, at his seat in Norfolk (Quidenham) a portrait of Washington, intended for the Stadtholder, which was taken by Capt. Keppel from the same ship in which Laurens was captured. It is *the* portrait in which Washington is represented with that *blue ribbon* across the breast, which has given occasion to so many speculations. When I was in London two years ago, Lord Albemarle invited me to run down to Quidenham to see it, and I presume he does not doubt that it was lawful prize. I think he will be bound to surrender it to the Dutch, however, before going to war with us for seizing the Rebel Ambassadors. At any rate it is a pleasant little incident which may serve to illustrate the English precedents on this subject. The success of our naval expedition,

<sup>1</sup> From the Adams MSS.

and the evident "turning of the tide" in our favor at home, will do more than anything else in reconciling Great Britain to the course of Captain Wilkes; and, if McClellan gives us a great victory on the Potomac in a few days, we shall feel safe from any foreign molestation. . . .

Had my duties to my children allowed me to leave home, I thought a little of accompanying Bishop McIlvaine and Mr. Kennedy in a brief trip to Europe. But both Kennedy and myself have been obliged to abandon the idea. . . .

ROBT. C. WINTHROP.

Since finishing my note, I have read, with great gratification, your speech at the Mansion House, and congratulate you on its success.

PALFREY TO ADAMS.<sup>1</sup>

BOSTON, 5 LOUISBURG SQUARE, November 25, 1861.

MY DEAR MR. ADAMS, — Let me begin with congratulating you on your speech at the Lord Mayor's dinner, which has just reached us. We read that it was received with great satisfaction in England. Here the opinion undoubtedly is that it [is] very exceedingly opportune and felicitous. Though we know but little as yet of the particulars of your action, it is certain that the utmost confidence prevails that our affairs in England are in prudent and able hands.

Before you receive this, it is likely that you will have been engaged with the affair of the mail packet *Trent*. The jubilation over that adventure has been somewhat checked by apprehension of the effect which it may produce in England. But the citations which have been collected from the publicist authorities have, on the whole, dispelled anxiety, and those who are least sanguine as to the good temper of England on the occasion generally think that it forces her into the dilemma of either abstaining from complaint, or of desisting for the future from pretensions on her own part which have often caused us discontent.<sup>2</sup>

The town is wild with enthusiasm today about Wilkes's reception in Faneuil Hall. It has been storming, and I was not well enough for

<sup>1</sup> From the Adams MSS.

<sup>2</sup> Perhaps the most noticeable contribution was the letter of Theophilus Parsons, professor of law in Harvard Law School, printed in the *Boston Daily Advertiser*, November 29, 1861. As a legal question he concluded that "I am just as certain that Wilkes had a legal right to take Mason and Slidell from the *Trent*, as I am that our government has a legal right to blockade the port of Charleston." See also George T. Curtis in the *Boston Journal*, December 19, and Charles B. Goodrich in the *Boston Courier*, of the same date.

a strife with the weather. So I had to content myself with leaving a card at the Revere House, — he having just gone to the Navy-yard.

There is so much comedy in this tragedy of Mason and Slidell that one cannot but fancy Lord Palmerston enjoying it hugely in his solitude, however loudly, for appearance' sake, he may feel called upon to bark. Whatever it may turn out to be in other aspects, it is one of those telling incidents that for the moment must provoke the merriment of the world.

You must have been greatly refreshed and relieved by the intelligence of the descent on South Carolina. You know as well as we, that it has created consternation on one side, and revived confidence and resolution on the other. You can judge, better than most of us, what effect it is likely to have on the future course of events. Sherman, the general, has been hitherto distinguished only as a first-rate field-officer of artillery. Whether he has the requisite qualities for a sphere so much wider, is still to be determined. But, as far as the present experiences have gone, he appears to deserve credit for prudence and conduct. . . .

Vast numbers of people, who, but a little while ago, could not bring themselves to see that there was any moral or political harm in Slavery, are so changed that one would think they must wonder at themselves. Many of them have become altogether reasonable, and many of them not a little passionate against what lately they were caressing. "Seeing what we have seen, seeing what we see" there would be ample matter for amusement, if it did not rather inspire a very different mood of mind. . . .

I think you have seen the worst of England and English life. I do not relinquish the idea that, on further experiment, you will like it better. When what there is now of mutual distrust between the two countries is done away, your own position will be more agreeable. An unavoidable consciousness of it, I fancy, at present, detracts from your individual enjoyment.

November 26th. This morning we have President Davis's message.<sup>1</sup> It is very observable that he does not mention the invasion of South Carolina, and his references to the state of his finances and to the want of recognition from foreign powers, with the usual southern tone of bluster, have a distinct undertone of disappointment and melancholy.

The scheme of holding the Sea Islands, and producing their precious staple by free black labor, is opening. . . .

J. G. PALFREY.

<sup>1</sup> It was printed in the *Boston Daily Advertiser*, November 25, 1861.

ADAMS TO EVERETT.<sup>1</sup>

FRYSTON HALL, 27 November, 1861.

. . . . .

You ask me my opinion of Mr. Seward's plan of operating on society here, and I will give it you frankly. It seems to me of no value, and based upon a very superficial notion of the influences that go to form opinion here. People of rank study the American question almost exclusively with reference to the questions that are agitating the nation at home. They are all more or less oppressed with a fear of the growth of democracy mainly through the success of the American example. And in my opinion this fear is not without very good cause. For under all the appearances of material prosperity which abound in this country, I think I perceive the seeds of change which will not fail to fructify on the first occasion of a turn in the wheel of fortune. The rich are growing richer and are rapidly absorbing in few hands the whole landed property of the three kingdoms. The poor are deserting agriculture and flocking to the manufacturing towns, where they live from hand to mouth. But for the great outlet furnished by emigration to the Colonies this change alone would have endangered the social economy ere this. The slower and more certain effect is behind — the growth of the consumers and the decline of the producers of bread. If Great Britain be now in terror for the want of the material with which to enable her working people to earn their bread, what will it be when circumstances render it difficult to get the bread itself? It is this fear that agitates society and renders it so much alive to the American difficulties. If the ghost of democracy can be laid the gentry think <sup>2</sup>

LONDON, Friday, 29th.

The clouds have strangely gathered in the sky since this was written. I fully expect now that my recall or my passports will be in my hands by the middle of January. Please not to mention this as coming from me. Very truly yours,

C. F. ADAMS.

<sup>1</sup> From the Adams MSS.

<sup>2</sup> As the place of writing and date indicate, this letter was written at the home of Richard Monckton Milnes, in Yorkshire, where Mr. Adams was then a guest, and on the morning of the day upon which he, at a later hour, received news of the arrest of the *Trent* by Captain Wilkes, and the seizure of Mason and Slidell. Laying down his pen at this point to accompany his host and a party of guests in a visit to the ruins of Pontefract Castle, the closing paragraph of the letter was written in London, two days afterwards.

SCHUYLER TO ADAMS.<sup>1</sup>

LEGATION OF THE UNITED STATES,  
PARIS, November 29th, 1861.

DEAR SIR, — I shall be in London next Wednesday on my way to the United States, when I hope to see you. In the mean time if any complications arise which would bear upon shipments of arms from Havre or Hamburgh for the government, will you please inform Mr. Dayton of it, as I shall leave that matter to his discretion.

We all here are full of interest for you in the difficult questions raised by recent events.

It seems to me that with Great Britain we can justly claim the right of taking upon the high seas individuals charged with high treason, when they have never abandoned the right to claim under similar circumstances any man who is a British subject.

Every confidence is felt in your management of the business. Very truly yours,

GEORGE L. SCHUYLER.

WINTHROP TO KENNEDY.<sup>2</sup>

BOSTON, 29 November, 1861.

. . . . .  
Mason and Slidell continue in limbo — a just retribution for the leading part they have taken in plunging the Country into strife. England would have done the same thing under the same circumstances, but I am afraid the bluster on our side will provoke it on hers. I wish I felt as well satisfied that Morehead<sup>3</sup> and Faulkner<sup>4</sup> were imprisoned for good cause, as I do that Mason and Slidell are. A letter which Faulkner wrote our friend William Appleton, made us feel that his case was a hard one, and there is a story that his daughter is dying at Philadelphia, and that Morehead's wife has gone crazy. Meantime a miserable clamor has been raised by a few of our bitter spirits because some persons have sent down a few creature-comforts to alleviate the condition of old friends. One of our malignant presses calls us sympathizers in Rebellion and threatens to send our names to the Secretary of State!<sup>5</sup> I hope you will give Seward to

<sup>1</sup> From the Adams MSS.

<sup>2</sup> From the Winthrop MSS.

<sup>3</sup> Charles Slaughter Morehead.

<sup>4</sup> Charles James Faulkner (1806-1884) was appointed minister to France by Buchanan, and was arrested on his return to the United States in August, 1861, and detained as a prisoner of state until December, when he was exchanged for Alfred Ely, member of Congress from New York, taken by the Confederates at Bull Run.

<sup>5</sup> See p. 94, *infra*.

understand that a malicious spirit of misrepresentation prevails in this quarter, which vents itself upon everybody who is not ready to embark in an Abolition Crusade. For myself, I have done so little for the prisoners, that I almost feel a compunction at having seemed wanting in kindness. It is wretched policy not to treat them with humanity and consideration. I go for putting down the Rebellion with all my heart, and whatever is necessary for the safety of the Government *must be done*. But the fewer extreme cases are exhibited as we go along, the fewer regrets we shall have in the end. We have had rare doings in Boston this week.<sup>1</sup> Sumner led off with a violent Emancipation harangue. Ward Beecher followed, and Wendell Phillips came after. To-night "Jim Lane" of Kansas, takes his turn. Meantime, the Wilkes banquet betrayed some of our more moderate men into expressions which were by no means happy. I trust the President's Message will straighten things out, and sound a key which will bring back the press and the people to the true music of the Union. We are on the high-road to success, if the mischief-makers do not tear up the track. . . .

ROBERT C. WINTHROP.

### MOTLEY TO ADAMS.<sup>2</sup>

LEGATION OF THE UNITED STATES OF AMERICA  
AT VIENNA, 30 November, 1861.

MY DEAR MR. ADAMS, — You must pardon me for trespassing a moment upon your time, but, indeed, it is absolutely *necessary* that I should know from the fountain head, exactly the state of the case. I therefore implore you to write me a note, however short, as soon as conveniently may be, telling me what you are going to do, — whether you are leaving at once, or whether, as probably is the case, you wait until the response comes from America to the English declaration of war; for I suppose it can be regarded in no other light.

If I am making mistakes, you must ascribe it to the fact that I am only in possession of a brief telegram which reached me last night,

<sup>1</sup> Sumner's address was on "The Rebellion," and was delivered on Monday night, November 25, under the direction of the Fraternity Association. It is printed in his *Works*, vi. 71. Beecher spoke at the Tremont Temple on Tuesday, upon "Camp and Country." Phillips delivered a lecture at Music Hall, under the management of the Mercantile Library Association, taking for his subject "The War." In a revised form it is printed as "The War for the Union," in his *Speeches and Lectures*, 415. General Lane was on his way to take his seat in the Senate of the United States, and spoke at Tremont Temple. An outline was printed in the *Boston Evening Transcript*, November 30, 1861.

<sup>2</sup> From the Adams MSS.

dated yesterday, 29th. This purports to be an "official" statement in the *Morning Post*, that the "crown lawyers have decided the arrest of Mason and Slidell to be an invasion of international law, and an insult to England; and that the cabinet have resolved to demand satisfaction together with the release of the prisoners, an apology to them, and compensation."

I have not yet learned even the circumstances of the capture. I assume that the *Trent* is a merchant vessel, and that the arrest was upon the high seas. If these suppositions are correct, I take it that the idea of the action's being contrary to international law, cannot be entertained by our government. The English jurisdiction over its *merchant* vessels is of course only municipal, not territorial, and extends only to its own subjects, not to ours. The high seas are not English territory, nor is a merchant vessel of England navigating them, a portion of English territory. The law of nations governs on the sea, and that law justifies a belligerent in dealing with his enemy where he can catch him, except on neutral ground.

I beg your pardon for troubling you with what is at your fingers' ends. We know too well how often English cruisers in time of war have boarded our merchant men and taken out her subjects, even when they were our naturalized citizens, and that she has never renounced that right.

She has now thrown off the mask, and espoused openly the cause of the slaveholders. I am at least grateful to her, that she has put the issue so neatly, that there can be but one voice in America on the subject. She goes to war with us as the champion of Mason and Slidell, the two leaders of the slaveholders' rebellion — and all the sophistry of her judges, or brutality of her speakers and publicists cannot hide that plain fact.

She will damage us horribly, and hopes she has found the opportunity utterly to crush a hated rival; but I think she will find more resistance than she expects. Her first blows will be tremendous. When I left, there was n't a gun to defend Boston harbor, and I suppose orders will be sent to her fleets to pitch in at once — so that we are all about ruined. I really wish you would let me have a brief statement of the facts, as I am in a *most mortifying position*, if I don't know all that is to be known.

Am I right in my assumptions as to the facts of the arrest?

Am I right in assuming that the demand of England will be met by the peremptory refusal of our government?

Will there be any delay in the hostilities or will they commence at once?

After all, you are in a better position than any of us. You can

go home. We must stay, and never receive a letter from home, perhaps for years, and not know what is the fate of our nearest friends and relatives. Moreover, in case of the most stringent blockade which doubtless will be put on our ports, it will be almost impossible for us to obtain funds from America, even to support life.

I shall never regret that I have been completely duped by the English. I believed their statesmen governed by a high sense of honor and justice, and almost alone among Americans, I have been defending them every day. I never could have suspected them of such perfidy and brutality.

This conduct, if the facts be as I suppose, is one of the most infamous crimes that history has ever recorded. England stands up before the world, the champion of the slaveholders, in order to crush a nation which was at peace with her. I hope, at any rate, that our government will no longer hesitate to proclaim a general emancipation. It may be a *brutum fulmen*, but that is not so certain — and at any rate, it will serve still more to unmask the treachery and villainy of England.

Once more I pray you to let me have a line from you, that I may know exactly how the case stands. . . .

J. L. MOTLEY.

#### ADAMS TO MOTLEY.<sup>1</sup>

LEGATION OF THE UNITED STATES,  
LONDON, 4 December, 1861.

MY DEAR SIR, — I am here quietly waiting the development of events over which I have no control, and in which I had no participation. Down to the moment of the outbreak about the *Trent* I had been flattering myself that things were getting better here rather than worse, and that I was gradually gaining upon the confidence of the Government. But in critical times the mistake of a naval Officer may in a moment overturn the firmest superstructure. It was so in former times and it has proved so now. That Captain

<sup>1</sup> From the Adams MSS. On December 3, J. D. Coleridge wrote from London to Ellis Yarnall: "I must unlearn Lord Stowell, and burn Wheaton, if there is one word of defence for the American Lieutenant [Wilkes]. . . . Here, however, I think the feeling is more unanimous than ever I recollect it — of earnest desire to avoid war if it may be with honour — of resolution to fight to our last man, to spend our last shilling, sooner than submit to an utterly unprovoked outrage." Yarnall's reply, dated December 24, before the decision to surrender Mason and Slidell, is in *Forty Years of Friendship* (Coleridge-Yarnall Correspondence), 85.

Wilkes acted solely on his own responsibility I have not a shadow of doubt. That on the basis of every English construction of the law of nations, as well as of its uniform practice the act may be defended, is equally clear to me. On the other hand, however, it ought to be remembered that the uniform tendency of our own policy has been to set up very high the doctrine of neutral rights, and to limit in every possible manner the odious doctrine of search. To have the two countries virtually changing their ground under this momentary temptation, would not, as it seems to me, tend to benefit the position of the United States. Whereas a contrary policy might be made the means of securing a great concession of principle from Great Britain. Whether the Government at home will remain cool enough to see its opportunity I have no means of judging. I am making my arrangements on the expectation of an opposite course. If I remain here after New Year I shall be surprised. Nor yet do I feel as if I wanted very much to stay. The best thing for the two countries would be a stoppage of relations for a short time without actual war. As it is you may well imagine that my situation will not be likely to grow pleasanter. Though personally people treat me well, and Government professes to be fully satisfied, it is by no means agreeable to be made an exception of. The distinction might be thought to imply a good deal more of subserviency than I am disposed to earn a character for. My countrymen may be sometimes wrong, but in their relations with the mother country from first to last I honestly believe that their record will stand before posterity by far the best. Neither will that portion of it which has been made up since these latest troubles began tend in my opinion to change the character of the verdict. Its principal characteristic on the side of England is intense egoism and short-sighted nationality. Its type is the Minister who guides its policy. Had the view been more expanded, had the mind of Great Britain addressed itself to the recognition of great moral results to be arrived at in the movement of opinion over the world towards the protection of the human family against wilful wrong, perhaps the course of events might have been different. It is not for us to call in question the course of Divine Providence which regulates all these things much better than any of us could aspire to do, for the benefit of the world.

Should the worst happen to us I do not quite see the consequences which you imagine to flow from it. There will be many neutral nations who will naturally seek to appropriate to themselves the profits which Great Britain will wantonly throw away. She may injure us on the sea-board, but she cannot subject us. And the end will be that changes will take place in the course of trade as well as

of political sympathies which may lead to important consequences in the course of years to the well-being of the British community. She has now no friends in the world not of her own blood. She will ultimately find the exception the most bitter of her enemies. She may conciliate the slave-holder of the South but her treaties with him must be made only as that of Faust was made, exchanging as present enjoyment for eternal condemnation. . . .

This last news caught us in the midst of a visit to Monckton Milnes. I find I cannot follow that practice farther.

Very truly yours,

C. F. ADAMS.

ANDREW TO RUSSELL.<sup>1</sup>

COMMONWEALTH OF MASSACHUSETTS,  
EXECUTIVE DEPARTMENT,  
BOSTON, December 11, 1861.

MY DEAR SIR, — I thank you for your note of the 7th, enclosing a slip from the *Evening Post* condemning the numerous manifestations of misplaced sympathy by some citizens of Boston with rebel prisoners confined at Fort Warren.

I fully appreciate your feelings in this matter, and share with the writer of the *Post* in his condemnation of that sympathy with traitors which makes men, in comparison with whom Benedict Arnold was a saint, comfortable in their confinement, while our own brave defenders of liberty and Union and the rights of man are cut off from all such sympathy by the rigorous despotism of the southern oligarchy — but I do not know of anything that I can do to prevent it.

I very well remember Mason's insolent overbearing demeanor in that memorable interview between himself and old John Brown, and can truly rejoice with you that, if he does not, in all respects, receive all the compensation for his baseness through a long public career in the few days which yet remain to him in this life, his power for future mischief is forever abridged, and that all the luxuries which Boston sympathizers with treason and with traitors can bestow cannot defeat the purposes and the plans of infinite justice. Very truly and faithfully yours,

JOHN A. ANDREW.

EDWARD RUSSELL, New York.

<sup>1</sup> From the *Boston Daily Advertiser*, December 16, 1861.

ADAMS TO DANA.<sup>1</sup>

LONDON, 13 December, 1861.

MY DEAR SIR, — Probably the thing is all over with you before now; certainly it will be before this reaches you. It has been a curious state of feeling among us here to witness the calm confidence with which you repose in the belief that Great Britain will abide by her former policy, merely because you can quote chapter and verse against her. The experience of the past summer might have convinced you that she was not indifferent to the disruption of the Union. In May she drove in the tip of the wedge, and now you can't imagine that a few spider's webs of half a century back will not be strong enough to hold her from driving it home. Little do you understand of the fast-anchored isle.

But what provokes me most is that we should consent to take up and to wear her cast-off rags. Our record on this question as against her is like the Archangel Michael's as against Satan. And now we are trying to prove that she was right when she is ready to cry *peccavi*, not because she really repents, but because the sin has become inconvenient.

I have not time to enter into the argument. My present expectation is that I shall have a chance before long to talk it over with you. Ever truly yours,

C. F. ADAMS.

## ADAMS TO DAVIS.

LONDON, 13 December, 1861.

MY DEAR SIR, — I am indebted to you for several letters which I regret to say I have not had the time to answer. They have all been quite encouraging in their tone, for which I was especially thankful. The worst thing we have had to contend against here has been the continuously unfavorable accounts from persons who affect public opinion through the newspapers.

Since the affair of the *Trent* matters have taken quite a new turn, and the disposition to take a hand in settling our affairs for us has become very predominant. We are all waiting with more or less impatience the answer to the message by the *Europa*. Most of us think that it has not been put in the most favorable channel to be pacific. So that we are making our preparations to accept a polite invitation to receive our passports. I hope the Government will be able to see its way to a contrary result. For really these two gentle-

<sup>1</sup> From the Adams mss.

men rebels do not seem to me worth what they are likely to cost us. But I pray you as the matter has already been in all probability decided before now, to keep this my opinion entirely to yourself.

With best respects to Mrs. Davis, I am, etc.

C. F. ADAMS.

To CHARLES AUG. DAVIS.

# KENNEDY TO WINTHROP.<sup>1</sup>

BALTIMORE, December 16, 1861.

MY DEAR WINTHROP, —

. . . . .  
The Mason and Slidell affair now engrosses all discourse. The first rumbling from England has terrified many, and brought great joy to the sympathisers in the rebellion. I cannot believe that any present serious complication will grow out of it. I understand Seward takes it calmly, and that the graver portion of the *corps diplomatique* do not regard it so seriously as many do out of doors. As far as the English papers, yet received, disclose the objections to the arrest, it would seem that the crown lawyers admit the right to visit and search the *Trent*, but deny the right to seize the envoys without the adjudication of a prize Court. They say the Vessel should have been brought in. If that be the only irregularity complained of, how absurd to think that war must follow a refusal to deliver the prisoners. How still more absurd would be a peremptory demand and menace as the first act of the ministry, in such a case! But if this should be the course adopted by the ministry, it will be proof to us, that the Government has really been in sympathy with the Secessionists from the first, and has only been waiting for a decent pretext to declare in favor of that side. If that be true, it matters very little whether the breach occur today or next month. Another pretext would soon be found if this fail.

I don't believe this is the temper of the government, and I therefore think that, after due homage is rendered to King Demos, we shall wipe up the spilt good humor, and go on making mawkish speeches about Shakespeare and Milton, consanguinity and common language, as before.

But if we should have war, what then? I make no question about the surrender of Mason and Slidell — that, in no event, never! — What if we have a war with England on the back of the rebellion?

1st. An advance of all our troops to take the hazard of battle — this quickly. If successful, the rebellion may be crushed. If not successful, then

<sup>1</sup> From the Winthrop MSS.

2d. The raising of the blockade, and, not long afterwards, an abandonment of the South. We may be constrained to recognize the revolution as a *fait accompli*. Then, what next?

3. The settlement of the division. We can admit ten states to be out of the Union. But we can never admit Kentucky, Missouri, Western Virginia, with Accomac and Northampton, and Maryland as parts of the Southern Confederacy; — thereupon will follow.

4. A war with the Ten Confederate States on a question of boundary, and a fierce war it would be. You may estimate the temper and the policy which would control that war, by reflecting that it would no longer be a war with erring fellow citizens to restore to them their constitutional rights, but a war with an acknowledged foreign nation. Think how wide would be the license of such a war, and to what attempts it would invite.

5. A continuous war with England till she was driven out of Canada.

6. An implacable hatred against England which would lead to a systematic rejection as far as possible of all commerce with her, and to a reliance upon our own manufactures.

7. The immediate establishment of an army, and the rapid augmentation of a navy, both able to cope with the utmost power of England. And then, with the memory of the wrong she has done us in our time of sorest need, a vigilant watch to strike at her, when the day of *her* distress shall come.

Don't you think these are the possibilities, if not the probabilities of the future, if England should take the false step of turning against us now? . . .

JOHN P. KENNEDY.

#### DANA TO ADAMS.<sup>1</sup>

BOSTON, December 17, 1861.

MY DEAR SIR, — This steamer brings a terrific howl from England, on the *Trent* question. — "The smug and silver Trent comes me cranking in, and cuts me off from my domain, a huge half-moon, a monstrous cantle [out]"<sup>2</sup> — all the South!

On a question of international law, I would offer no opinion to a person understanding the question as you do; but on a question of Prize Tribunals and Prize Processes, I have, of late, acquired some little knowledge, and got into the way of forming opinions. If England is going to make war upon us on a question of *abatement*, when the verdict and judgment have done substantial justice, let her do it, and the curse of the God of Peace be upon her!

<sup>1</sup> From the Adams MSS.

<sup>2</sup> Henry IV, Part I, III. 1. modified.

But, independent of a question of Prize, did not your father, in one of his documents, say that Great Britain did not restrict her claim of the right to take seamen from our vessels to her own subjects? Did he not say that she extended her claim, as she did her usage, to Danes and Swedes, and men of all nations with whom she was at peace? I have never examined the question whether the taking of persons from a neutral vessel by a belligerent, when the having them on board was a breach of neutrality, can be justified on any other grounds than *as part of a Prize proceeding*. Is the belligerent obliged, in a clear case, to treat the vessel as a prize, and have the change of property in her passed upon by the courts? If the hostile act is merely the transporting of soldiers, may he make the soldiers prisoners, and make no claim on the vessel, and prove the facts as in all other cases of international conflicts on land? Is the omission to insist on the capture and bringing in of the vessel, a good ground of complaint? It seems to me that he may do so. The release is no injury to the neutral owner, or to any private interest, but a benefit. So far as the neutral sovereign is concerned, for the invasion of the flag, and territory, etc., cannot the question be decided between the two sovereigns as almost all other questions of conflict are, by the best evidence attainable of facts, and the opinions of jurists and constitutional advisers? To insist on the capture and taking in of the vessel, seems to me a confounding of two things that do not belong together.

But, if I am wrong on that question, was the *Trent* a lawful prize? On that you have, doubtless, a fixed opinion, to which I defer, without knowing what it is. My own opinion, and I think, the universal American opinion is that she was a lawful prize. Mason and Slidell were bound on an errand solely, necessarily, and extremely hostile. The mission was treason to the United States, and, in the view of the law of nations, one which embraced and included all possible hostilities; nor were they ambassadors, in the opinion of England. Their mission was notorious and of the highest character, and the *Trent* took them with full knowledge. She gave them what they needed most, transportation under safe conduct and disguise of a neutral flag; and she refused to our cruiser the right of search. If these facts would not condemn her, in any Prize court, there is no such thing as law to Prize.

But, now to my specialty! We understand Great Britain to say that however that may be, we were bound to insist on the capture of the vessel, and obtain an adjudication. And that the failure to do so is ground of complaint.

A prize proceeding is merely an *inquest*, by the Sovereign himself,

through his judicial branch, upon his own act done through his executive branch, to determine whether he will or will not ratify the capture. It is, in all its stages, a sovereign act, on sovereign responsibility. His executive officers seize, and he is responsible. He is not bound by the advice of his court, except morally, and is not exempt from responsibility because his judges pronounced it lawful prize. It comes down to this: — the usage of nations is settled that he must not treat the vessel as prize, or retain the fruits of the prize, and refuse to put the question through his own tribunals. The neutral sovereigns have a right to have the facts elicited in the usual judicial manner, and to have the chances of a decision in their favor, which decision is morally conclusive against the belligerent. But the court is bound by the will of the sovereign, as in the case of the orders in Council, and he is responsible for holding to the decision, if neutrals think it unjust. And it is not conclusive in his favor, as a political question, in case of an open mixed commission, as in our case, in 1795.

The Prize Court does not sit *inter partes*, to determine litigated question between private suitors, or between the sovereign and a private person; but it is an *inquest*, held by the sovereign's direction, *ex parte* entirely, passing upon questions not voluntarily submitted to it, either by actual or implied assent, relating to the property of aliens and strangers, over whom it has no jurisdiction, by consent or otherwise, seized and brought before it by force; and, if the sovereign follows its decisions, he is politically responsible.

This being the theory of the Prize Tribunal, (which in England, is not the House of Lords, but the *Queen in Council*), there are many cases which cannot be submitted to it. The Court cannot decide questions or propositions. It must have, actually or by fiction, a *res* before it to pass upon. Whatever the Privy Council may do, our Supreme Court cannot advise, or give opinions on mere questions submitted by the sovereign.

If the prize is lost, abandoned as unseaworthy, lost in the taking, or any other case of necessity arises which requires the captor to so treat the prize that there shall be no cause possible for the Court, it is enough for the sovereign to show, otherwise, that the capture was lawful, and to account for the failure to have an adjudication. Suppose a neutral vessel taken with a regiment of rebel troops on board, which had run one blockade, and was bound to another blockaded port, and the captor requires all his own men to guard his prisoners, and must either release the prize or destroy her, and he does the former, out of tenderness to the neutral, retaining the troops, but retaining, and using no *thing* which can be, even by fiction, the

subject of adjudication, — must the sovereign, at the peril of war, restore the regiment to the neutral sovereign's control, because his officer so acted that the question of the vessel being a prize cannot be passed through the courts? Is it not competent for him, under the law of nations, to show two things, *first* that the vessel was a good prize, and second that the failure to carry the case through the Courts was from necessity in the exercise of a reasonable discretion, *bona fide*, and attended with no possible injury either to the neutral owner or to the Sovereign, as, for instance, no loss of testimony or means of proving facts, — nothing that throws a cloud or doubt over the cause? To me, it seems that the sovereign must be entitled to do that, under the law of nations. And for a neutral to insist on a restoration of the troops, *without reference to the question whether the vessel had made herself liable, and why she was not taken through the courts*, would be utterly unjustifiable.

As to the general view, I think our people are full of resolution. They wish to be in the right, and will do anything to avoid a war which is not undignified; but, if England makes a war which our people believe to be a war of pretext, the *animus* of which is to divide our empire, our people will enter into it with a zeal which has never been known before in our history.

You, my dear sir, must be having a peculiarly jolly time! I think often of your situation. You are the truest martyr of these days.

What a shame and pity it is, now, that the personal and political enemies of Mr. Seward have been so industrious in making him suspected and disliked abroad, and by the diplomatic circles here! I think his despatches and correspondence, furnished with the message of the President, do him great credit, and have restored confidence in him here. Yours, with respect and sympathy,

RICHARD H. DANA, JR.

ADAMS TO SEWARD.<sup>1</sup>

LEGATION OF THE UNITED STATES,  
LONDON, 20 December, 1861.

SIR, — Although nothing remains to be done here to modify the respective positions of the two countries in regard to the affair of the *Trent*, I decided to ask a conference of Lord Russell for the purpose of talking over the substance of your communications to me in Despatches No. 136<sup>2</sup> and No. 137. It was appointed for yesterday at three o'clock, when I enjoyed an opportunity for full and frank conversation.

<sup>1</sup> From the Adams MSS.

<sup>2</sup> November 30.

My main object at this time was, so far as I could, to disabuse His Lordship's mind of the impression which certainly exists there, and in a much stronger degree among most of his colleagues in the Ministry, that the Government of the United States and most particularly the Secretary of State, the organ of communication with Foreign nations, is bent upon a hostile policy towards Great Britain. I began by expressing my surprise at the prevalence of such an idea for which I could not well comprehend the cause. His Lordship then made a general reference to a speech said to have been delivered by yourself last year, which set forth the acquisition of Canada as an offset to the possible loss of the slave-holding States.<sup>1</sup> To which I replied that I could not precisely recollect what speech of yours was referred to, but that from my personal knowledge of the tenor of most of them, I would confidently affirm that any such reasoning was in its essence speculative, and had reference to the probable course of future events without in any way involving the adoption of a distinct line of aggressive policy to bring them about either now or hereafter. I knew that I had entertained similar notions, but I was very sure that a war to effect any artificial result was never in my contemplation. A conquest either as against Great Britain or the people of the Colonies was the very last way to realize it. It was wholly inconsistent with our doctrines. Here his Lordship expressed doubts and instanced the case of Texas and Mexico. I admitted the exception as valid, but observed that it had been brought about under the adverse influence of the very power now in arms against our authority. It was one of the causes which had brought on the present difficulties. The present Government would not be disposed to rely on it as a precedent.

I then remarked that my Despatches enabled me now to assure him that the act of Captain Wilkes had not been authorised by the Government, and further that they would reserve themselves perfectly free to act upon it until they should hear from this side of the water. If Her Majesty's Ministers were disposed to enter upon the subject with a view to an amicable adjustment they would be met in an equally friendly spirit. His Lordship expressed his gratification on receiving this information. He had himself little doubt in regard to the first point ever since learning from me the nature of the instructions given to the Commander of the *James Adger*. The other point was likewise important inasmuch as it removed the danger of committal prior to the moment when the views of the Government should be presented on the part of Great Britain.

I then proposed, as a means of fully bringing to his Lordship's

<sup>1</sup> Bancroft, *Life of William H. Seward*, II. 153.

knowledge the real spirit of the Government of the United States, that he should let me read to him a Despatch exactly as I had received it. A judgment might be fully formed of it in this way inasmuch as the paper had recapitulated the various grounds of misunderstanding and complaint. His Lordship said he should be glad to hear it, so I read all the Despatch No. 136 but the first paragraph personal to myself. After I had concluded His Lordship touched on two of the points there made. The second being the case of Mr. Bunch, having been already settled in the correspondence that has taken place, was of course omitted by him. In regard to the others his representations, I must concede, carried with them much force. He admitted that the opinion of the Attorney General on the Enlistment Act, upon which alone they could draw an authority to interfere, was adverse to the application of a restriction in cases where the *intent* to carry arms and supplies illegally was not fully established. But he observed that on the other hand it was well known that much greater quantities of arms and supplies had been transmitted from Great Britain by the authorities of the United States, without let or hindrance. The facilities of the latter in obtaining them safely were so much greater that on the whole it seemed to him the advantage if any was on their side. I confess I could not answer this argument. The consciousness of this truth has impaired my energies in making remonstrances from the outset. Neither did I seek to disguise my impression from his Lordship.

On the third point his Lordship contested the fact as stated in the Despatch. He recapitulated what the Government had done as regards the assistance said to have been rendered to privateers in the Colonies. Supplies had been refused by the authorities in all cases. Whatever had been obtained had come from purchases of individuals. The only difference that he could find between the action of this Government and that of other nations was that the stay of belligerent vessels was confined by the latter to twenty-four hours. As to that he said that the omission to insert the same provision in the British orders was by no means owing to unfriendliness to the United States. On the contrary it was thought that if a Government vessel of theirs should put into any port, such as Malta, for example, to stay a short time, it had seemed to them churlish to issue a decree to limit it to a single day. He said he had taken some pains to make inquiries as to the action of other Governments, and so far as he could learn he found it in other respects substantially the same.

In conclusion I expressed the opinion that at best there was nothing in all this to make a moment's difficulty between countries

really well disposed to one another. The only serious trouble was in the case of the *Trent*. And as that was not a matter of discussion on this side of the water, I should content myself simply with asking his Lordship, but not in any official capacity, to give me such information respecting the position of that question, as he felt at liberty to communicate, in order that I might form for myself a judgment of the arrangements which it would be necessary for me to prepare. If I were to draw my conclusions from the tone of the newspapers supposed to be in the confidence of the Government, I should be obliged to infer that war was inevitable and immediate. I was anxious to correct these impressions if there was any room left for me to do so.

His Lordship then went into an explanation of the measures taken by the Government, which it is needless to recapitulate, as you know them already. The conclusion which I drew was that if both Governments were really bent on preserving the peace there was nothing in the nature of the difference itself to produce a war between them. But nations have been so often precipitated into difficulties by circumstances having no necessary connection with the causes of offence that I find myself compelled to await the development of events rather than attempt to waste time in predicting a result.

I have the honor to be, etc.

C. F. ADAMS.<sup>1</sup>

### MOTLEY TO ADAMS.<sup>2</sup>

LEGATION OF THE U. S. AMERICA.  
VIENNA, December 20, '61.

MY DEAR SIR, — I was exceedingly obliged to you for your very interesting letter of 4 December, and perhaps you will hardly think

<sup>1</sup> The following letters from Adams and Seward on the *Trent* affair are printed in *War Records*, Series II, II.

#### *Adams to Seward.*

|                     |          |
|---------------------|----------|
| *November 15, 1861, | p. 1078. |
| November 29,        | 1106.    |
| December 3,         | 1115.    |
| *December 6,        | 1119.    |
| *December 11,       | 1122.    |
| December 12,        | 1123.    |
| January 2, 1862,    | 1162.    |
| *January 10,        | 1168.    |
| January 17,         | 1178.    |

#### *Seward to Adams.*

|                    |       |
|--------------------|-------|
| November 30, 1861, | 1108. |
| December 27,       | 1143. |
| December 28,       | 1157. |
| December 30,       | 1159. |

The despatches that are starred were not printed in full, but nothing relating to the *Trent* affair was omitted. Seward's despatch to Lord Lyons, December 26, 1861, is in the same volume, 1145.

<sup>2</sup> From the Adams MSS.

that I am taking a becoming way of manifesting my gratitude, by writing so soon again, and again asking for a line or two in reply. When I wrote to you three weeks ago, it was under the excitement of the first announcement by telegram that England had sent a peremptory demand to Washington. That demand if expressed in the terms and tone indicated by the journals which we know to be in the confidence of, and very subservient to, the prime minister seemed little short of a declaration of war, to take effect within a limited period.

Your letter was very satisfactory to me, and I have great pleasure in expressing my hearty concurrence with all you say. To accept war with England now if we can avoid it with honor, seems little short of madness. It hardly needs an argument to show the disastrous results of our providing the South with so potent an alliance as the fleets and armies of England will be for her. Strange enough that on the first day of Congress it should have been voted to thank the man whose blunder has placed the country in such a perilous dilemma. I take great pleasure in feeling sure, from the tone of your letter to me, that you have given the government the most sagacious and statesmanlike counsels in this grave emergency. I shall not renounce the hope that prudence and dignity and real patriotism will silence the clamors of passion — until the possibility of hope is taken away.

The American government has now an opportunity — such as is rarely afforded — to manifest to the world that it is not subservient to the mob (according to the calumnies of its enemies), and that it is capable of holding on to the lofty principles of international law which it has always maintained. To my mind there could be no more legitimate triumph for us, than thus to rebuke the tyranny which Great Britain, when belligerent, has ever exercised over neutrals and over us, most of all. Still, I see infinite difficulties in the way, — for to give up the commissioners, without procuring the *adhesion* of England to the principle on which such surrender is founded, would hardly be compatible with our character or our future safety. I don't desire that we should now adopt the Lynch law always practised on the ocean by England in place of our own time honored principles — but it is necessary to protect ourselves in future against a despotism which, on the seas, has ever been as unscrupulous as any of the tyrannies which, *on land*, England permits herself so loudly to rebuke. I take some consolation from the prudence manifested by the President in his silence. Silence was never more golden than at this moment. At any rate there will be time for the govt. to get your despatches, and it is with the ut-

most sincerity that I express to you the comfort it gives me to reflect that we have a minister in England, at this moment, so able and so high minded. I could say a *great deal more* but I don't wish to have the appearance of a flatterer, and so will content myself with repeating my conviction that the interests and honor of the country could not be in purer or abler hands.

You may suppose that I am anxious enough at this moment. I am so isolated, and so in the dark. Even now I am ignorant as to the precise terms of the English demand, and of the instructions to Lord Lyons in the premises. I know nothing except what I see in the newspapers, and can learn from my colleagues.

Would it be asking too much to request you to let me know exactly what the English Government has demanded, how long Lord Lyons is to wait for answer, and whether, if he leaves because of not obtaining the commissioners, a declaration of war is at once to follow, or whether the English will entertain the notion of arbitration, or still better, of a *general* conference of the maritime powers for the purpose of revising the international code, and including the present case under such provisions.

The despatch of Earl Russell to Lord Lyons can be no secret — for the French ambassador told me that he had received an epitome of it. Count Rechberg<sup>1</sup> has also a copy of it, and of course, Lord Bloomfield.<sup>2</sup> It seems rather hard that the person in Vienna most deeply interested in the matter should be in the dark, but it would not be agreeable to me, even if it were feasible, to ask any of these gentlemen to enlighten me, as to what I am supposed to know, at least as well as they.

If you could find time to write me half a dozen lines, letting me know, as far as you feel authorized to do so, what has been written to Washington, and, furthermore, what language has been held on the subject, by word of mouth, as well as writing, either in Washington or London since, you may rely on my entire discretion. I hope that you will not think me importunate in making this appeal *ad misericordiam*. You certainly will not suppose that I desire to interfere, in the least, with your functions, by even a word of advice. But we are so inexpressibly anxious, and I am so much in the dark, except so far as my course is lighted by the noxious and misguiding exhalations of the London press, that I am forced to intrude upon you, and more than I otherwise should do. It would be a great

<sup>1</sup> Count Johann Bernard Rechberg, who in 1859 succeeded Karl Ferdinand, Count von Buol-Schauenstein as Prime Minister. He held office until 1864.

<sup>2</sup> John Arthur Douglas Bloomfield, second Baron Bloomfield (1802-1879), who served as British ambassador to the Emperor of Austria from November 22, 1860, to October 28, 1871.

satisfaction if I could come into Mansfield Street, for an occasional half-hour's talk.

I maintain the best relations with the English ambassador here, and shall continue to do so, as long as circumstances will permit. He is an amiable and excellent man, and as sincerely desirous as I am, that the impending war should be averted. Of course we cannot enter much into the *merits* of the case, nor is it either his affair or mine — but their sympathies, when I first arrived here were fully with the North, and I can't but think that there must be many in England who will feel disgusted, when they find themselves engaged in an alliance offensive and defensive, with the slaveholders. The Austrian Government is most earnest in deprecating the war. The minister of foreign affairs is very anxious. The French ambassador assures me that there is not the slightest possibility of his Government taking the part of England — but that absolute neutrality will be maintained. I am assured by private letters from Paris, that this neutrality, so difficult to preserve, will be sympathetic not to England but to America. I think I understand the series of party intrigues in England which has at last caused the government to seize upon this pretext for raising a popular war cry in order to maintain a moribund ministry, or to effect a coalition. But I forbear to touch on a subject on which you are so much better informed. I have no desire, either, to characterize the conduct of England towards us — as manifested by its press and its public men — with a few honorable exceptions. It would be difficult to do it, without using more violent and passionate epithets than I feel inclined, just now, to indulge in. I hope however that our Government will have the wisdom to frustrate the foul intrigue by which England is seeking our destruction, in this crisis of our history, and to parry the blow which she is aiming at our heart. . . .

J. L. MOTLEY.

DAVIS TO ADAMS.<sup>1</sup>

NEW YORK, 21 December, 1861.

MY DEAR SIR, — A late steamer brought here rather startling news from England in relation to *Trent* matters, and all our securities turned a *summerset*, going down about 10 per cent. The next day, however, and mainly on the publication of General Scott's letter, these sundry securities advanced a little, but they all continue depressed, and our "Treasury Secretary" not less so by reason of the alarmed money market.

<sup>1</sup> From the Adams MSS.

The public generally rather regards the Wilkes affair unfavorably, and would much prefer it had not occurred at all. For my own part, tho' I tried to *talk* "as big" about it as the tallest and fattest of John Bulls, I rather incline to think it would establish an unsafe precedent, and might in time trouble us, when we should or might become neutrals, and *John* belligerent; and we hear from time to time of sundry "mutton heads," British Commanders, boarding our vessels and deciding what was or was not *Contraband*, and taking out this or that *bundle*, *box* or *bale*, and let the neutral go.

I think it would be safest now to establish a sounder principle by *sending in* and let a far more capable tribunal decide. I don't see any practical difference between *persons* and *parcels*, tho' on this occasion, one bag of "salt-peter" marked R would be of more value than the four persons taken from the *Trent*. We are yet all ignorant here regarding despatches received by Government or Lord Lyons, altho' the newspapers have invented all sorts of stories, and left the public mind to make all sorts of conclusions, etc., etc. I rather think if matters so turn that Mason and Slidell are released, it would for a few days occasion some escape of gas, but only make the boiler more secure.

General Scott's letter seems to give general satisfaction here.<sup>1</sup> Everybody I hear speak of it gives it hearty approval. Some of the points are well put. If we (or Captain Wilkes) began this seizure-irregularity, I don't see any wide difference between our case and that of a Plaintiff whose case, tho' a good one, is *unsuited* for reason of not *commencing regularly*. So he has to begin again, altho' in the meantime the defendant has made-way with all his effects. I don't think Great Britain will gain anything in the estimation of our people, no matter now how much or how often she may *take advantage* of us and our condition. Our people have good memories.

If it were only now to *stop the joy* of our rebels, I would almost at once say to England "If you want Mason and Slidell and Co., we will let you have them (and would be glad if you would take a hundred or two or more of the *same sort*). We only hope you will punish for us the Captain<sup>2</sup> and owners of [the] *Trent* for their disregard of your Queen's proclamation." It will be a long time before our people will forget the conduct of England in relation to the recognition of these rebels as *belligerents*. That is regarded here as a very shabby course of conduct and may too soon for England "return to plague the inventor"; but for *that* I sincerely believe our *rebels* would

<sup>1</sup> Said to have been written by John Bigelow and signed by Scott at the instance of Thurlow Weed. It is published in the *New York Times*, December 19, and in the *Boston Daily Courier*, December 20, 1861. Bancroft, *Seward*, II. 231.

<sup>2</sup> James Moir.

long ere this have gone back to their "original element." Many a valuable life would have been saved on both sides, to say nothing of the millions of treasure wasted. The final result will be, we shall only be constrained to whip out these rebels *more severely*. I see it stated by Yancey and others they only ask to be *recognized* — "they ask no more — neither money or ammunition." "That is very cool," and it reminds me of a story Mr. *Parish* used to tell here some years ago: that he made the fortune of many a Jew broker in Hamburg by allowing them to take his arm on 'Change by their special request, the impression being that he (*Parish*) was too proud to let a "poor man" take his arm.

I am told that "*secession*" is a *term* now discarded by the *rebels*. They prefer to be called "*revolutionists*." They find that the doctrine of "*secession*" too nearly approaches the *folly* of *peeling a cabbage* till a solid part is found, and when the job is finished they find nothing but a small leaf left, and they thus run the risk of bearing the name themselves, of what they have utterly peeled down to nothing — a "Cabbage head."

I take the liberty of sending with this a letter to *General Scott*. Will I trespass too far on your kindness by asking you to cover it in the next parcel you may be sending to Mr. Dayton in Paris?

It is rather a curious fact that Mr. Welles, our Navy Secretary, in his report for that department, agrees exactly with the *reputed* opinions of the "Law Lords of the Crown," and altho' some "dull heads" think the Secretary did not exactly mean to convey such an opinion, I can't well see any difference. One point is very clear, our *President* shows a clear record, and all that is reported of his having said, has been, "We are always ready to do right. I can afford to do so, and I suppose the country can also."

Our forces on land and water, tho' as yet performing no very brilliant display are putting themselves in position to "strike hard" when they do strike, and the longer the delay, the less will be the sympathy North for the sufferers South. Very respectfully yours, etc.

CHARLES AUGUSTUS DAVIS.

#### ADAMS TO MOTLEY.<sup>1</sup>

LEGATION OF THE UNITED STATES,  
LONDON, 26 December, 1861.

MY DEAR SIR, — My correspondence has multiplied so much since this last trouble, that I must put all my friends on short commons,

<sup>1</sup> From the Adams MSS.

or else give them nothing. I will endeavor to answer the questions you put to me, only begging you first of all to pardon me if I do not dilate so much as I should like to.

And first of the British demand. Lord Russell has not vouchsafed a copy to me, but he has given me the substance, which in matter does not vary materially from the account given of it in the French newspapers. In form he tells me that it takes the shape of *two* despatches, one preliminary, to apprise us of the nature of the other. The tone of both very moderate and nothing expressly said of the course of action to be taken in case no attention be paid to the requisitions, which are the return of the men and a suitable apology. Should nothing satisfactory appear at the end of a week, then Lord Lyons is to quit. And further the Deponent said not.

Of course I am at the mercy of events. It will scarcely be likely that I should be permitted by our own Government to stay, unless they should make up their minds to make some concession, and in that case it would seem as if the right time for doing it would be before rather than after Lord Lyons's departure. What will actually be determined on I know as little as you do. What *is* known to me is this. 1. That Captain Wilkes acted without authority. 2. That the President has not yet approved the act. 3. That the Government will not change its position until it has had an opportunity for amicable discussion with Great Britain. With these bases you are as well qualified to judge of the future prospects as myself.

I agree with you in the opinion that in case of our yielding the point some security should be had that England will not whiffle back again to her old doctrines on the first occasion just as she has under the present temptation whiffled round to ours. Fortunately for us the course of the French Government comes in to be of material use to us. In the face of their appeal, it would be difficult to make a change which would not compel a more solemn appeal to her. Indeed nothing strikes me so much here as the awe in which this country stands of France. It never was so before that I remember. The anxiety shown to know the course France would take in this case, and the satisfaction manifested at the result, are indications of something which it would be of use to ascertain.

Last of all you ask me whether a declaration of war is to follow at once. I think not unless our people are more insane than I give them credit for. The Government here will not press the thing to an extreme unless they are driven to it by the impetus of the wave they have themselves created. The calculation has been that it would rise only high enough to float people over the next session of Parliament. But there are so many failures in this kind of arith-

metic that I dare not put much confidence in the result. It is said that Lord Derby was consulted before the measures were taken, and approved them. But if the body of the Tories think anything is to be made by driving on to a war, that will not prevent their risking the attempt.

In the midst of this the country has lost its best adviser, in the Prince, who had no party objects to bias his opinions, and whose system was a little more expanded than that of the more exclusive English school. I have reason to believe that one of his very last acts was to recommend to the Queen to modify and soften the language of the Despatch to America. He believed in the policy of conciliating the United States instead of repelling them. That he has gone from us at this moment is, I fear, to be counted among the misfortunes to which our poor country in its great trial was to be exposed. . . .

C. F. ADAMS.

ADAMS. TO SEWARD.

LEGATION OF THE UNITED STATES,  
LONDON, 27 December, 1861.

SIR, — Although many of the leading presses zealously continue their efforts to keep up the war feeling here against the United States, I think the signs are clear of a considerable degree of reaction and of a growing hope that the friendly relations between the two countries may be preserved. Of course everybody is waiting to hear of the issue of the demands transmitted by the *Europa*. Much gratification has been expressed at the publication of the Despatch addressed by M. Thouvenel to the Government through M. Mercier,<sup>1</sup> as also at the treatment of the question of the *Trent* by M. Hautefeuille. Indeed the harmony of sentiment on this subject is so general throughout Europe as to have very much increased the confidence of the British Ministry in their position. They are even disposed to put up with unusual patience with the severe reflections made on the past policy of Great Britain in consideration of the substantial advantage they gain in the immediate dispute. Unquestionably the view of all other countries is that the opportunity is most fortunate for obtaining new and large modifications of international law which will hereafter materially restrain the proverbial tendency of this country on the ocean. My own opinions to the same effect have been already so freely expressed that it is needless, if it were not also superfluous, to repeat them, especially now that the decision is probably complete.

<sup>1</sup> Printed in *War Records*, Series II. II. 1116.

But even if it should be possible to escape the immediate danger from the present difficulty, my confidence in the tendency of things towards peace in this country has been so much shaken as to make the prospects for the future quite doubtful. Parliament will probably assemble somewhat earlier than has been anticipated, perhaps by the 16th of January. It will then be impossible to avoid a general expression of opinion upon American affairs. Of what a character that will be, some idea may be found from the various addresses made during the recess by members to their respective constituencies. As usual in all deliberative assemblies having freedom of speech the popular tendency will be towards the most positive doctrines. The war party will in this particular enjoy the advantage which they will not fail to use with effect against the Ministry of Lord Palmerston, especially if there be the smallest opportunity of reproaching it for any concession on a point of honor. Even if in this particular they should find it difficult to make an issue, they will not fail to go on and urge the application of a limit to the law of blockade, as well as to the refusal to recognize a *de facto* Government. In both these cases the ground has been already broken by the public press and by particular members. So that although Lord Russell in a portion of his latest conversation with me affirmed that we shall have full opportunity given to us of trying our experiment of overcoming the rebellion before action on their part, it is not quite clear to my mind that he will very long retain the power to make his words good. I have felt it my duty at this time to enter into such speculations solely because I think I ought to prepare your mind for the possibilities that may follow a settlement of the immediate difficulty. Neither do I wish to undervalue the amount of sympathy and good will that may be brought into play to avert the threatened danger. It is from the friends of our Government that I gather most of my conclusions. And one of them is that nothing but very marked evidences of progress towards success will restrain for any great length of time the hostile tendencies developed by the case of the *Trent*.

I am happy to say that I have seen and conferred repeatedly both with Bishop McIlvaine and Mr. Weed. I think their services have already been of material use, and that they will be of still more hereafter if peaceful relations should be preserved. The industry of the Confederate emissaries in poisoning the sources of opinion, as well as in disseminating wholly erroneous notions of the nature of the struggle in America, has been unwearied. And where the seed has fallen on favorable ground it has germinated strongly and fructified well. But the effort to conceal the true issue and to sub-

stitute a false one has failed. The progress of affairs in America is daily more and more exposing its real character. Much as the commercial and manufacturing interests may be disposed to view the tariff as the source of all our ills, and much as the aristocratic classes may endeavor to make democracy responsible for them, the inexorable logic of events is contradicting each and every assertion based on these notions, and proving that the American struggle is after all the ever-recurring one in human affairs, between right and wrong, between labor and capital, between liberty and absolutism. When such an issue comes to be presented to the people of Great Britain stripped of all the disguises which have been thrown over it, it is not difficult to predict at least which side it will *not* consent to take.<sup>1</sup>

I ought before closing this letter to make one remark in regard to the manner in which the telegraphic intelligence from America is made up here. Finding what its tendency is, I thought it expedient to seize the occasion of a voluntary transmission of the favorable news from Port Royal to me by the agent, Mr. Reuter, to have some conversation with him on the general subject. I concluded to go so far as to offer to subscribe for the American portion of his labors for the time I might remain here, or else, not exceeding one year. In consequence he offered to let me have the advantage of sending messages to the Government, if I wanted to do so at any time. I know not precisely what the cost of this will be, nor whether the Department will authorize my charging it on the contingent fund of the Legation or not. But both for its political and personal advantages in my present situation, I regard the step as having been so wise that I shall continue it in any event during the present season. The telegrams are not yet what they should be; though not so bad as they were. I learn from another source that they are transmitted through Liverpool where they suffer gentle modifications from the hands of some directors of the company not well affected to our cause.

I have the honor to be, &c, &c, &c.

C. F. ADAMS.

ADAMS TO EVERETT.<sup>2</sup>

LONDON, 27 December, 1861.

MY DEAR SIR,—The article from the *Scotsman* to which you refer attracted my attention immediately on its publication. It is one of many instances which have come under my observation of

<sup>1</sup> To this point this despatch was printed in *Diplomatic Correspondence*, 1862, 12.

<sup>2</sup> From the Adams MSS.

the uses made of the press in Great Britain from central points and high sources in order to affect public opinion. I presume that the Emperor of France set the example of this sort of manoeuvre. It has been so much improved upon here however that it almost takes the character of ubiquity. One effect of it is to render it rather hard for persons not in the secret to distinguish the genuine from the spurious articles. I had reason to know in the case of the *Scotsman* that the information must have come from authority. Occasionally I can detect the same thing in other quarters. But my chances for knowing how often it happens are of course very small and hence the resort to conjecture must be very unsafe. I dwell on this subject the longer that I have been for a fortnight very much exercised by it. I have reason to be sure that on particular occasions at least four London newspapers must have been prompted. If from this I should jump to a general conclusion that they always are, I should have to make up my mind that war with America will break out directly. Yet on the other hand I am from other reasons bound to believe that such is not the settled policy, nor is it even likely, unless the disposition of the Government of the United States be to invite it.

In regard to the immediate point at issue, we shall so soon get a determinate answer that speculation upon it would be idle. But should we succeed in reaching a peaceful solution of that problem, the way in which it leaves us is far from encouraging for the future. The development of the inner feelings of large numbers of people of all classes has been unmistakable. The dislike of the people of the United States has not surprised me half so much as the fear of them. There is an instinctive feeling that the continuance of our system of Government in its career of prosperity will ultimately prove the destruction of theirs. Hence the ill-suppressed satisfaction with our misfortunes and the fixed determination of some to make our recovery impossible. Hence you will observe that just in the proportion that we may appear likely to restore ourselves, will the inclination manifest itself to seize upon some ready pretext to remove the prospect further than before.

Parliament will soon meet and we shall then have an opportunity for better observing the progress of this game.

Among our misfortunes I count the loss of Prince Albert. Although without any direct political influence his judgment and calmness were not without their effect on the course of events. It is generally understood here that his policy was more conciliatory than that of the prime minister. Very truly yours,

C. F. ADAMS.

THE SURRENDER OF MASON AND SLIDELL.<sup>1</sup>

The Secretary of State has undoubtedly covered the retreat in the Mason and Slidell case with masterly skill. Drawing from the well-stocked armory of our old arguments for the rights of neutrals, he has readily found a weapon effectual to parry the savage thrust made at us by England. A *casus belli* he has converted into an occasion for procuring the settlement of a great question of international law. We do not now inquire into the nature of the argument, by which he decided that to be wrong which the ablest jurists have declared to be right, and by which he claims to preserve national consistency in a surrender, when the capture itself had been well argued to be consistent with theory and precedent. It is perhaps enough for this aspect of the case to say that the grounds of adjustment are no doubt such as in the long run will be satisfactory to this country, which is mainly interested in the liberal interpretation of neutral rights, and might hereafter be a matter of some regret to England, who has a correspondingly paramount interest in belligerent rights, — if indeed that power ever hesitated to exercise any right, for which might can furnish the law.

The dry question of law, however, as we conceive, is now the least important part of the case. The essential inquiry is as to the spirit and method in which England has sought a solution of the difficulty. Upon this head we invite the attention of our readers to a short review of a few facts, as the matter is apparently about to be temporarily laid aside.

The news of the arrest of Mason and Slidell reached England on the 27th of November, through channels openly hostile to the United States. The action of the English government was resolved upon on the 29th and publicly taken on the 30th, before the American minister in London could learn anything from his own government as to the facts, and before it could be known whether the United States had ordered or would ratify the act of Captain Wilkes. The action thus taken, without opportunity for the correction of errors or the ascertainment of the truth, included, — 1, the despatching of a demand for the surrender of the men and for an apology; 2, the prohibition of exports of arms and munitions, then in progress, for the aid of the United States in dealing with the rebellion; 3, very extensive and ostentatious naval preparations; 4, the instant despatching of troops, in as large bodies as could be mustered, to Canada. It matters not in what words the diplomatic proceedings were conducted. These four measures are the parts of a single act; the

<sup>1</sup> The leading editorial in the *Boston Daily Advertiser*, December 30, 1861.

despatch to Lord Lyons and the Queen's proclamation bear even date; all that was done must be viewed as a whole, and one part of the proceedings must be judged in the light of the others.

The terms of Earl Russell's despatch, however, although the traditional decorum of diplomacy is preserved, suit well with the rest of the proceedings. The question whether or not the seizure of the rebel envoys was an affront to the British flag and a violation of international law, has been settled in advance, and is not open to argument. The terms which "alone could satisfy" her Majesty's government are, the liberation of the persons seized and "a suitable apology for the aggression committed." It matters not in what proprieties of diction such propositions as these are couched; they are essentially arrogant and offensive. Coupled with such military preparations as accompanied them, and were plainly intended to increase their efficiency with our government, they carry a threat as well as a demand. And when addressed to this country, after the asserted forbearance of years, with an evident preference for that precise moment when our powers are taxed to the utmost, and our national existence menaced by a domestic foe, the whole proceeding is overbearing, cowardly, and dishonorable beyond expression.

At another time our government, whatever its view of the law of the case, would not have been likely to pass by proceedings so extremely offensive, even if England had indulged in them. At present, however, it has been judged impossible to resent this public humiliation. It is the duty of every patriot to stand by the government in that decision, without cavil and without hesitation. With a heavy heart, we confess our own inability to discern any other course which offered, either safety from utter ruin for the national cause, or security from a final and perhaps worse blow to the national pride. Even now, so undefined is the palpably sinister purpose of England, that we cannot but feel it to be uncertain, whether the issue has been postponed for years, or only for a few months. But we say with solemn and deliberate conviction, that this nation will deserve to PERISH when it forgets the arrogant terms on which an adjustment of a question, not essentially critical, has been forced upon it, at a moment of distraction and weakness.

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To each of the two other parties most concerned — we mean England and the South — the solution of the Slidell and Mason case will carry some important instructions as to the temper and purposes of our people. In England it has been pretty steadily urged that our executive would find it difficult to curb the popular

passion so far as to give up these men. This idea of the weakness of our government has not originated in the conspicuous follies of Mr. Russell, the *Times* correspondent, or of any other shallow observer of passing events. It has sprung from the prevailing English notion that democracy is a failure; that in this country the worst rule; that our affairs are guided by the blind passion of a mob; only restrained from an outburst of howling fury by compliance, and deaf to every argument of prudence, of justice, or of honor. Not a little satisfaction is to be discerned in the persistent confidence with which such views have been urged in connection with this affair. A large section of English opinion has eagerly proclaimed the supposed disastrous termination of the democratic experiment, and has contrasted it with the asserted steadiness of English institutions. The same class of minds has hailed this affair as certain to prove a decisive test of our failure. They have held up the possible conflict between the judgment of the government and the impulse of the people, as a severe trial for the former, and have confidently asserted that it could not be withstood.

The trial has been met fearlessly and successfully. Public opinion has for several days clearly been settling down to the support of the government, in any course which it should think necessary to pursue. English observers do not overrate the strain which this result brings upon the national pride, now wrought up to an unprecedented sensitiveness. They do not overrate the depth of the wound which is today rankling in the national heart; we doubt if they even begin to appreciate it. But without waiting for our manifestation of opinion, we can say, with positive certainty of truth, that the American people today stand by their government and uphold it in its exercise of a sound discretion; that the public mind is swayed by no passion, but meets the subject with entire calmness and deliberation; and that so far from any of the alleged violence and unreason of a democracy being exhibited, the danger is that foreign observers will mistake the popular feeling for tame indifference.

Our form of government has indeed achieved a most conspicuous triumph, of a double aspect. It has developed that enthusiasm among the masses, which rejoiced in an extreme assertion of our rights, and which was prepared to maintain that act, had such been the decision, to the last; it has also developed a sobriety and self-restraint among the people, which has proved equal to the most trying emergency. A nobler union of great moral elements of national strength could not be desired. It offers a sufficiently strong contrast to the insane fury of the English public for the last few weeks, and the obvious shrinking of the ministry before the popular storm.

It is the popular and not the exclusive form of society, which comes out from this trial with the best proofs of steadiness and well balanced strength.

The South on the other hand has watched with intense eagerness for any sign of the sway of popular passion. The South, like England, is interested in any argument which tells against the theory of self-government; but it also had an immediate and vital interest in the fixedness of purpose which our people and our government might exhibit. The national humiliation will be but a poor offset to them, for the deadly certainty that no new or collateral purpose is to divert the nation from the work of suppressing the rebellion. They have watched with intense anxiety to see whether our government might not be embroiled by this affair, whether its attention might not be turned to a new object, and whether a new enmity might not relax its resolution in dealing with them. Today the conviction is settling down upon the South, that nothing less than the whole power of our government will continue to be devoted to the work of crushing the rebellion. They will begin to comprehend, not only that the hope of foreign aid is cut off from them, but also the steady and pitiless determination with which the people will press their present undertaking to a successful close.

The South will thus be able to learn that it is not a mere transport of rage that has united the North against them. They will learn that the moving impulse is a resolution so deeply rooted as to hold its place, through reverse and discouragement and humbled pride and the most powerful diverting influences. Both for them and for English observers it will be a matter of some interest to learn that a country governed by popular institutions is capable of retaining a fixed purpose with such terrible persistency, contrary to the thousand arguments based on alleged fickleness and unsteady temper of the masses. To English observers, indeed, it may prove to be a fact of no small consequence, that a democratic republic proves to have united with the enthusiasm and prudence which are the complementary conditions of strength, the steady adhesion to a fixed object, which is also a condition of the effective direction of that strength.

#### DAVIS TO ADAMS.<sup>1</sup>

Per Str. *America*.

NEW YORK, New Year's Eve, 1861.

MY DEAR SIR, — The public mind here is much relieved, by the peaceful solution of the *Trent* affair. Mr. Seward's letter of the

<sup>1</sup> From the Adams MSS.

26 inst. to Lord Lyons meets general approval here — it seems to me to be a very able production — the hope is generally entertained it may prove *satisfactory* to England. If not all I can say is, the *number* here that would have deeply regretted a rupture with England, before Xmas day, (or before the date of Mr. Seward's letter) would be very *sensibly reduced* should England seek *more*.

Once let England, (or any other nation) make an impression here upon our people that a *pretext* is sought for to do us harm, and eventually to *break us up*, then, I venture to say there would not be found a "Corporal's guard" this side of "Mason and Dixon's" line that would utter a lament, but go to War with as much composure as they would "go to Meeting." And as for *losses* by War, it is wonderful how little the people of this country are "*horror struck*" as compared with other people. However much the opinion abroad may prevail that we are a *Money Seeking People*, the fact to me (admitting its truth) seems more a laudable pride in *success*. A man who invents a new *rat-trap* is just as happy (if the patent is gained and money with it) as he who gains a vast fortune at once by any other *success*. Money here is not needed for the purposes prevailing in Europe. We know nothing about *establishments* involving retinues of servants in powdered heads and in dresses resembling our autumn woods, — in a word we don't know how to spend money *thus*. We would rather *operate* and *speculate* with our surplus. Therefore a War which threatens "awful results" in Europe, fails to produce that *awe* here. Hence "he reckons without his host" who thinks he can reach success by a threat of destroying our property — only let Government keep our cause *right*, and I have no fear that the *loss* of property would cause a *hold back* in our *masses rich* and *poor*.

You will learn by this Steamer that our Banks have decided to "suspend specie payment." This took effect yesterday, and as quick as the telegraph could tell it, all leading points have followed suit. Thus far this supposed wise precaution produces more quiet than excitement. The bullion dealers can't sell *coin* at an advantage of over  $\frac{1}{4}$  of 1 per cent for our Bank bills. One of the shrewdest of that circle told me to day that although he had provided himself with a goodly supply of Coin, to take advantage of a *panic*, he found he could make nothing by it. "The fact is," said he, "our people have seen of late *so much Gold*, they are sick of it."

Our Banks have not stopt coin payment because they have no Coin, for they hold here 25 Millions, but they found it diminishing not for export to Europe, but going to *Interior* where Government has been making the largest disbursements and our sea board towns

furnish the money; and again, certain timid people not knowing what may turn up, draw their *deposits* from Bank in Gold, and put it back again in same Bank for safe keeping. I don't think a Million of Coin has left the Country for the last few months. So altho' the sea board Banks deem it prudent to retain coin, for appearance sake, the great bulk of coin is in the Interior, where it is most wanted. As we *import* little or nothing, we have nothing to sell to the interior, and as the interior gets most of the public expenditure and at the same time are large *exporters* of food etc. abroad, you can readily see why Coin in *salt water cities* diminish[es]. Altho' our Banks suspend coin payment, the Country does not, for I suppose from reliable statistics, the Country never held so large an *amount of Coin*. Therefore no importance whatever need be attached to this "*(formerly) awful event,*" — *a suspension of our sea board Banks* of coin payment. I mention this event mainly to illustrate, or make simpler, what abroad may be deemed "*a sad catastrophe*" or at least a great puzzle. And he who thinks, *the sea board* is broken up because the Banks there *suspend*, will find himself mistaken if he relies on a whole Country being broken up. The Country generally was never stronger. The fact is thus far our *home war* is financially giving money power to our *interior*, which thus far is a favorable result. I see much future and ultimate good in it. I am free to say *to you*, what I would not as readily say *abroad*, that as matters now stand and tend, our Treasury department at Washington must soon be in a *snarl* or tangle, it must resort to *stringent* means and make a Law to legalise *its own issues of paper money* as a *legal tender*. They can't escape this, unless Congress *grant a Charter* for a strong *National Bank*, which alone can harness up vast private means for public aid, and general good. The Government has already virtually suspended specie payment, but *the Masses* don't know it; in other words, the Treasury of U. S. has already borrowed of our Banks all and more than the Banks could lend, and as yet the Treasury department has not done one jot in the way of enabling said Banks to aid the Government. So the Banks unable to lend more, must *stop*, and so must the Government. *Mr. Chase*, the Treasury Secretary is no doubt a very honest and good man, but he does not seem to me, *up to the times*, in a word, he seems to lack the knowledge of the power of the Government to adopt measures that would enable the Banks of the Country the better to do all the Government needed to be done. He don't seem to see this. He thinks if *Banks* are benefitted by Government aid, the Government loses what Banks may gain; so he is "*penny wise and pound foolish*," so he adopts measures (not intentionally) that break the

Banks, and in the end breaks himself. He is "not the right man in the right place." And after he has *wriggled* and *twisted* thro' a vast amount of trouble and difficulty, he or his successor must come at last to a system I long since called his attention to.

A good strong *National Bank*, to be owned *exclusively* by private citizens, and managed by them, and so securely based on Government securities as its Capital, that Government must use it as its fiscal agent, a *necessary requisite*. This alone can make all crooked matters straight, and drag national financial matters out of the quagmire, to which they are fast tending.

Our "old Duke," General Scott is again with us after an absence of only forty-seven days his health vastly improved, and his spirits never better. I met him on his arrival, and spent two or three hours with him *almost alone*. He had heard nothing, he had not even heard of the President's Message and other matters. Consequently I had an advantage over him — he was *willing to be a good listener*. He was charmed that the President had said *nothing* about that *Trent* affair, and scarcely less so when I told him the Message made honorable mention of himself (to say nothing about that *odd recompence* he thought the Country still owed him). He is full of affection for every body (except *Secessionists*). We are all glad to have him with us again. He should never again be put to the labor of *detail*, he is a great *military* and *topographical lexicon*, to be resorted to for what he knows, but not to *work out*. He lacks *spine*, *knees*, and *feet*, — all else is as bright as ever. The whole Country loves him — this side of *Dixie*. I continue to feel all confidence that *Secession* is only waiting to be *licked out*. Such is sure to be its *destiny*, and so I close with best wishes for many happy returns of happy New Years joined in sincerely by *mine* to you and *all yours*. We are all very quiet and very orderly, no  *mobs*, no *contests*. I never knew N. York more tranquil. Your friend, and obedient Servant,

CH. A. DAVIS.

P. S. Just as I was closing this, I receive thro' State Department your very kind letter of 13 Dec[ember] instant, for which I am very much obliged. But I pray you to understand that however agreeable to me to hear from you, I do not expect you to reply to my idle letters. Your time must be too much occupied with more important matters.

I of course *intuitively* abstain from repeating any thing from your Pen. I know the importance attached to and the aptitude of others to misstate what they hear from responsible quarters.

The story told of that German diplomatist who never allowed a

Servant to answer any question or tell any thing he saw or heard, is not without its point. He only *lost himself* once and that was on the occasion of his master suddenly falling dead in a fit, overwhelming the poor servant with fright and affliction, and just then an acquaintance calling, and the sad event stated to him, but the faithful servant recalling his duty, exclaimed "For God sake, sir, don't repeat it to any one, for my master may not wish it made known."

Again wishing you all a happy New Year and feeling sure you will soon hear of glad tidings — an *overwhelmed rebellion*, I remain  
Your friend,

CH: A. DAVIS.<sup>1</sup>

### CLAY TO ADAMS.<sup>2</sup>

ST. PETERSBURG, RA., January 1, 1862.

MY DEAR MR. ADAMS, — Mr. Murray going to London next week, I take the opportunity of sending a letter by him to you. We have all felt the most intense anxiety about the Trent case, fearing it would result in a war. I am of the opinion that we are wrong in that: and its effect would be to divide our own Country and unite *all* England against us. I feel much relieved by the telegram from N. York (20th) which looks more pacific — so I will not further discuss these matters which will probably be determined before this reaches you. I am as jealous of National honor, as any one, but nations like individuals must sometimes wink at insults — and even swallow them with however a bad grace! So we must during our difficulties put up even with some wrongs rather than run into war with other powers, remembering that our first duty is the restoration of the Union.

I see much to blame in England's course: it is plain that her hatred of Republican government causes her to overlook the Justice of our Cause. The aristocracies and monarchs of Europe may well fear the light of our example — especially if we show vitality and power enough to overthrow this great and wicked rebellion. So we are not to expect much aid or sympathy from foreign Governments: and we must be very cautious to find ourselves always in the right, for our own sake as well as universal justice. Russia I think however our sincere friend, through sentiment and interest both. She knows what would be the tyranny of England, if she

<sup>1</sup> Charles Augustus Davis (1795-1867), merchant and author of *Major Jack Downing's Letters*: New York, 1834.

<sup>2</sup> From the Adams mss. Cassius Marcellus Clay was Envoy to Russia from March 28, 1861, to June 25, 1862, and from March 11, 1863, to September 25, 1869.

were not rivalled and balanced by our maritime power. Whilst the antecedents of the two governments are favourable to friendly sentiments. She allowed us the treaty of Paris ('56) at once, which England and France refused us. But the treaty is in abeyance ("lying over") for the present — to await events. I think we can always count upon her good offices.

I desire to say a word about my letter to the *Times*, in as much as some of my enemies in America have ventured to accuse me of trespassing upon *your* ground of action. That letter was written reluctantly by me, and only at the urgent request of a great many Americans in London. It was supposed that I might say things which it would be well for Englishmen to hear, and which your position would not allow you to utter. Hence it was agreed that I should make a short *popular* argument, and that Mr. Motley should follow it up with a more elaborate argument. This was done, and my letter was shown to Mr. Motley, and his severest criticism invoked, before it was published. It is believed by my friends in Europe that the letter did much good: however, it was at the least well intended. I hardly deem it necessary to allude to this, because you know my respect for your character and abilities: and I cannot for a moment suppose, that I was as the *N. Y. Times* would urge, interfering with your proper duties.

Be pleased to remember me to your family, and believe me truly,  
Your friend,

C. M. CLAY.

PARKES TO ADAMS.<sup>1</sup>

17 Wimpole Street, 2 January, 1862.

DEAR MR. ADAMS, — I have received this morning a very sensible excellent letter from Palfrey. I call to shew it you, should you be at home. Otherwise, I must send it you in the evening, after I have read part to a friend.

If our instructions to Lord Lyons are that the Captives be surrendered I do not believe your Government will comply. It may over [offer] an arbitration (and which Lord Lyons will have no power to accept) but I augur from Palfrey's letter and all I read that S[lidell] and M[ason] will never under all circumstances be surrendered. I wish I could interpret the Sybil Books other wise, but I ever look evils in the face. I do not doubt that the President and his Cabinet have every disposition, as it is also their interest, to accommodate this most unfortunate and untoward affair; but viewing all considerations I cannot expect a surrender. The chances

<sup>1</sup> From the Adams mss.

of accommodation will in my humble judgment arrive only when Lord Lyons returns home.

My idea is, that Seward will probably offer an Arbitration, but which I fear will find no favour in Europe.

My best wishes of a Happy New Year to you and Mrs. Adams, and all yours; and my fervent hope that Peace between your States and my own Country may not be interrupted A. D. 1862, altho' appearances are dark. Yours truly,

JOSEPH PARKES.<sup>1</sup>

### WINTHROP TO KENNEDY.<sup>2</sup>

Boston, 2 January, 1862.

. . . . .  
I think Seward managed the Mason and Slidell matter with great *habilité*, as the French say. I am afraid England will verify the old maxim of Tacitus, "*Odisse quem laederis.*" She, certainly, has wronged us. Not, perhaps, in the despatch of her Ministry, which was mild enough, but in fitting out so many Dogs of War to let loose upon us when we were crippled. Perhaps we misconstrue the English as much as they certainly do us. At all events, it is a bad business well over. . . .

ROBERT C. WINTHROP.

### DAYTON TO WINTHROP.<sup>2</sup>

*Private.*

PARIS, January 4, 1862.

MY DEAR WINTHROP:..

. . . . .  
Mr. Curtis<sup>3</sup> has just been in my office with a letter of much interest from his son<sup>4</sup> in Boston. His letter like your own is full of the question of Mason and Slidell.

We are full of it — all Europe is full of it. Would to G—d that our old friend Wilkes had let them go! They could have done nothing here, that would not have been equally well done without them. Neither England nor France can be coaxed or wheedled into any important action. What they do, will be done upon full advisement, and I do not think that *recognition* of the South would be advanced one day, by the presence of a dozen such envoys. It may be advanced many days by their absence originating in *such a cause*.

<sup>1</sup> See *Dictionary of National Biography*, XLIII. 304.

<sup>2</sup> From the Winthrop MSS.

<sup>3</sup> Thomas B. Curtis.

<sup>4</sup> Daniel Sargent Curtis.

Rely upon it, England is in earnest and *France* believes she is in the right and *says so*. But you have before this, I am sure, the letter of Mr. Thouvenel which will explain the view of this government upon the question. For the first time in a century *we* are advocating a restriction upon neutral rights and England is sustaining the freedom of the seas! The history of the past action of the two countrys is all reversed. War with England would under any circumstances be a misfortune, but upon such a question the entire sentiment of the Maritime Powers of the World will, I fear, be against us. It seems to me that the people of the U. States, even Governors, Judges, etc., etc., have been led astray in this matter by their feelings, — or rather perhaps they have felt that they had a perfect right to apply *British doctrines* to British ships. If the *public law* were made by G. B. alone, this would be so, but other nations of the earth look at this question in reference to *their own* ships. Weed (Thurlow) has published a letter in England in which he admits substantially that we were wrong. I feel that we are in a false position, and only pray to Heaven that such discretion and prudence may controul at home, as may enable us to get out of it. If England shall acknowledge the independence of the South, France will, I fear, at no distant day follow her example; but this is 'entre nous' strictly. . . .

WM. L. DAYTON.

#### ADAMS TO FROTHINGHAM.<sup>1</sup>

LONDON, 8 January, 1862.

MY DEAR SIR,

. . . . .

We have been living some weeks in a state of complete suspense, respecting the issue of the difficulty between the two countries. A necessary consequence has been uncertainty of the duration of our stay at this place. At one time my mind was pretty much made up that before this date I should have been either on the continent, or on my way home. Since that period I have thought the probabilities of my stay the strongest. Now I do not know what to think. Next Sunday will probably bring a decision. And I confess I shall be glad to learn it whatever it may be.

There has been a great contest going on in this country between the two forces, one favoring a generous policy towards America, and the other impelled by more ignoble motives. Down to the moment of the attack of Captain Wilkes the former had the pre-

<sup>1</sup> Nathaniel Langdon Frothingham (1793-1870). Adams MSS.

dominance. But the appeal to the popular pride consequent on that act carried away numbers who would otherwise have remained neutral or indifferent, and the tendency is now in the other direction. Even if we get over this difficulty it will not replace us in the position we occupied before it happened. We shall be subject to new shocks with less and less faculty to withstand them. I enter into all your feelings at the situation, which are so admirably described in your letter. . . . Very sincerely yours,

C. F. ADAMS.

AMORY TO ADAMS.<sup>1</sup>

Boston, January 8th, 1862.

. . . . .  
The news of the week has been the very quiet departure of the "Rebel Chiefs" in a "tug boat" for Cape Cod, on the first of January, their embarkation, their departure in a hurricane and their not yet being heard of; probably they are on their way to Europe. The loss of the *Australasian* is a sad event. You will be glad to learn the universal satisfaction at the opinion expressed of the management by the Legation in London, and also of Mr. Seward's admirable diplomacy. Those who have not heretofore appeared always satisfied now express themselves as more than pleased. We all are hopeful as to the reception of the news in England. And every one is loud in praise at the conduct of all parties and their perfect submission to the Will of the Government, showing a strength in our Institutions greater than we could find elsewhere.

The South alone have much of bitterness and disappointment to feel, they had every hope in our confusion and in the misstatements of their various representatives.

We can perceive daily from the Southern Journals and the Northern Reports the weakness of the South, and it is sad to think of the misery which the conduct of the ambitious rulers of the South have brought upon the innocent. Cotton begins to flow in. The large expeditions are about to move, and another week may be an eventful one.

You will doubtless be interested in the various messages, and reports of the various States and Cities. And I have the honor to be Respectfully Your obedient servant,

JONATHAN AMORY.

<sup>1</sup> From the Adams MSS.

HAYCRAFT TO ADAMS.<sup>1</sup>

WALTON-ON-THAMES, 9 January, 1862.

DEAR SIR, — I am truly glad that your Government has taken a right and proper course in delivering to the British Government Messrs. Mason and Slidell, and since the Northern States do not recognize the Southern States as Belligerents and therefore could not deal with the men as Contraband of War (and hence the Surrender) yet your Government may surely claim them as *Traitors, Rebels*, found in the Act of Treason. This I trust you will do and give them the execution they deserve. Yours truly,

GEO. HAYCRAFT.

ADAMS TO EVERETT.<sup>1</sup>

LONDON, 10 January, 1862.

MY DEAR SIR, — I have but a few moments to acknowledge the reception of yours of the 21st which contains a very thorough exposition of the state of things here.

Captain Wilkes involved us in a great difficulty because he did precisely what our Government has always complained of Great Britain for doing. In order to justify him we were driven to the necessity of stultifying ourselves. As against Great Britain we might indeed make a strong argument. But this would leave us not the less exposed to the reproaches of all other maritime nations which have heretofore accepted our doctrines in good faith. This it is which constituted the strength of the paper of M. Thouvenel. Since then Prussia and Austria have joined the cry, and all the rest of Europe would follow, if necessary. In point of fact we were making a wrong issue. My great cause of apprehension was from the manifest tendency of the popular feeling at the outset. The Government has luckily extricated us in season. The current is setting for the moment in our favor. A strong reaction is visible, how long to last no one can tell.

Parliament will soon meet when the new plan of operations will be disclosed. The measures will be on the one side to denounce the blockade, and to demand a recognition of the Confederates, and on the other to resist them. Which side the Ministry will take is not yet clear. I fancy they are not agreed among themselves.

We are making a mistake at home in not reinforcing our friends here. Too much stress is laid on the *Times* which is notoriously

<sup>1</sup> From the Adams MSS.

against us. There is a great struggle going on among the press, and it should be our policy to magnify the opponents of that paper. The *News* and the *Star* should be quoted as English opinion in those great classes which represent the moral and religious sentiment. The country press has generally manifested a friendly disposition. Indeed it would not take a great deal more labor to make the American question the lever to heave up foundations here. The fear of this is perhaps the best security we have for the preservation of peace.

We must therefore select any issues to be made with great care. The last one united everybody against us. The next, if we are to have any at all, must place us on the side of great principles, acknowledged by the spirit of the age, equally among the people of all civilized nations.

But I have no time to enlarge as the mail is preparing. Very truly yours,

C. F. ADAMS.

ADAMS TO FORBES.<sup>1</sup>

LONDON, 10 January, 1862.

MY DEAR SIR, — Thanks for yours of the 24th ult. and the inclosures. The decision of the Government, which I think perfectly sound, has smoothed the waters for the moment and has very much raised the spirits of our friends. We shall now fight the battles with more vigor than ever, but after all our success will depend upon that attending our military operations.

In regard to sentiment in this country you should always bear it in mind that if we have enemies we have also friends. Any hostility levelled at all alike helps the former and depresses the latter. You will do well therefore to get the papers to print from the *News* and the *Star* rather than the *Times* and the *Post*. Much of the mischief done here comes from the dexterous use of the New York *Herald* by the *Times*. Do not permit our well-disposed presses to play into the hands of the latter by circulating its own malignity as the sentiment of all England.

The meeting of Parliament will open a new field of operations here. The Confederate emissaries calculating upon a war had arranged a programme of the most beneficial nature to themselves. The basis having disappeared, the superstructure is nowhere. But there is no doubt that the want of cotton and the distress of the operatives will cause a good deal of agitation. The same elements are at work

<sup>1</sup> John Murray Forbes. From the Adams mss.

in France. The most effective counteractive will be heavy blows and the progress of emancipation.

This is of course for your own reading only. . . . Very truly yours,

C. F. ADAMS.

MONCKTON MILNES TO ADAMS.<sup>1</sup>

THE HALL, CREWE, CHESHIRE.  
January 10th, 1862.

*Private.*

MY DEAR SIR, — I shall be obliged to you to express to Mr. Seward my thanks for the copy of the American Diplomatic Correspondence, which he has been good enough to forward to me — I suppose, through your mission.

I hardly feel the same gratification in the intelligence of these last days, that I should of done, if I had been more apprehensive of unfortunate results. I never could agree with those English politicians who had persuaded themselves that Mr. Seward desired to drive this country into hostilities with yours, and who formed their opinions on this foregone conclusion. I trust we shall now hear no more of that theory. I watch the proceedings of your arms and politics with equal interest and earnestly desire the success of both. . . .

RICH. MONCKTON MILNES.

ADAMS TO CLAY.<sup>1</sup>

LONDON, 14 January, 1862.

MY DEAR MR. CLAY, — I have to acknowledge the receipt of your favor of the 1st inst. for which I thank you. My situation has not, very certainly, been a particularly pleasant one during the continuance of the difficulty about the *Trent* even if it were tolerable at any other time. That affair has been settled, and, as I think, correctly. For whatever opinion I may have of the consistency of Great Britain, or of the temper in which she has prosecuted her latest convictions, that does not in my judgment weigh a feather in the balance against the settled policy of the United States which has uniformly condemned every and any act like that of Captain Wilkes when authorised by other nations. The extension of the rights of neutrals on the ocean and the protection of them against the arbitrary exercise of mere power have been cardinal principles

<sup>1</sup> From the Adams MSS.

in the system of American statesmen ever since the foundation of the Government. It is not for us to abandon them under the transient impulse given by the capture of a couple of unworthy traitors. What are they that a country like ours should swerve one hair from the line of its ancient policy, merely for the satisfaction of punishing them? In such a struggle they could lose nothing, for they have nothing to lose; whereas the Government of the United States might appear seriously to derogate from its dignity if on their account it were to involve itself in the necessity of disavowing the sound doctrines to which it has been heretofore pledged in order to embrace such as have become odious in the civilized world, even among the very people who were formerly the most strenuous assertors of them.

I turn from this subject to the other and more personal matter touched upon in the latter portion of your letter. I pray you to be assured that I never entertained a suspicion of any design unfriendly to myself in the course you took in writing to the *Times*. I will frankly admit that I thought it in violation of the laws as well as of the general instructions to all foreign Ministers, a copy of which was transmitted to me prior to my departure from the United States. The prohibition from writing to the newspapers doubtless arose from experience of its bad effects heretofore had by the Department, and seems to me founded in reason. But of course it is no part of my duty to judge for anybody but myself. That your letter, and still more your speech in Paris did have a most unfavorable influence upon my labors at the commencement of my mission I had occasion to feel at every step. It gave our enemies an opportunity to strike the key-note of determined hostility on the part of our Government to that of England which has been most dexterously used ever since, and which ultimately brought on the explosion in the case of the *Trent*. It likewise placed me in the false position of assuring this Ministry of our friendly disposition whilst other representatives of the Government equally entitled to credit were appealing to France by drawing distinctions unfriendly to England. At the same time I was conscious that they knew at the time the utter want of the foundation for your discrimination, the two Governments having been from the first in perfect understanding with one another as to their policy towards America. You may well imagine then how much use was made of all this to fix upon Mr. Seward the suspicion of bad faith and of secret hostility to England which no efforts of mine have had any success in eradicating. Indeed nothing but the publication of his Despatches and his late action in regard to the *Trent* has done anything to open the eyes even of

our friends here as to the actual truth. I am in hopes that from this date we shall be able to arrive at a better understanding with the Ministry who as a whole are not unfriendly, whatever may be the disposition of some of the individual members. But it will not come about by exalting the good will of France, far less, in fact, to be depended upon.

It is then, as I trust you will see, solely on public grounds that I have found anything to regret in your action and not from any personal feeling whatever. Indeed I so well understand your motives that I should never have thought of once making an allusion to the matter had you not opened it yourself.

It gives me great pleasure to learn that the disposition of the Emperor of Russia continues so friendly. I take the more interest in it that I remember it was my father who first laid the foundations of that good understanding which has existed without interruption for half a century. The two countries are now engaged in the same great work. They ought to sympathize with one another in their severe trials. . . .

C. F. ADAMS.

PALFREY TO ADAMS.<sup>1</sup>

BOSTON, 1862, January 14th.

DEAR MR. ADAMS, — You inform me that you have come into relations of some intimacy with Mr. Parkes. I am very glad to hear it, not only because I like him very much, as I cannot fail to do on account of his great kindnesses to me when I was in London and since, but because I think you may find his acquaintance advantageous for your public objects. He has excellent sources of information. His judgment, to infer from what he observes, is good. His mind is liberal. His purposes are generous. He is well disposed towards our country. And he has relations to the newspaper press which enable him, on occasion, to speak a timely and useful word.

In a few days we shall be informed of the reception in England of intelligence of the surrender of the *quasi*-ambassadors. Contrary to English expectation, you will have seen that that measure here has encountered nothing that can be called opposition. Mr. Hale, in the Senate,<sup>2</sup> expressed dissatisfaction with it, and in the

<sup>1</sup> From the Adams MSS.

<sup>2</sup> "To my mind, a more fatal act [the surrender of Mason and Slidell] could not mark the history of this country — an act that would surrender at once to the arbitrary demand of Great Britain all that was won in the Revolution, reduce us to the position of a second-rate Power, and make us the vassal of

House there have been some little manifestations of discontent. But undoubtedly it has been acquiesced in by the country with promptness and alacrity. The prevalent feeling is that a great imminent trouble has been escaped by a course actually involving no dishonor, and promising to be highly advantageous in future complications. There appears to be no general apprehension that England will not for the present be satisfied. But, on the other hand, I am struck with the extensive prevalence, and the strength, of the conviction that the tone of feeling in England is permanently hostile. The practical inference from this is the necessity of large outlays for coast and lake defences and for a navy. I now expect to see this, — and to the same end, the fostering of American manufactures — the policy of the country, as long as I live. Mr. Bright's elaborate speech is extremely pleasant for its bearings on the present, but of course cannot sufficiently reassure for the future. Oh *si sic omnes!*

This morning we are taken by surprise with the news of the resignation of Mr. Cameron.<sup>1</sup> There will be great curiosity to know whether he goes out because the charge of some jobs presses him too hard, or because of his forward position on the Slavery question. . . . Yours, faithfully,

J. G. PALFREY.

#### DANA TO ADAMS.<sup>2</sup>

CAMBRIDGE, Sunday, January 19, 1862.

MY DEAR SIR, — The day I received your letter, I left for Washington, to attend the Supreme Court, and returned last night. I seize the first opportunity to write you, because I owe it to you to make the earliest acknowledgment that you were right and I was wrong in the matter of the *Trent*. Mr. Seward is not only right, but sublime. It was a little too sublimated, dephlegmated and defecated for common mortals, but I bow to it, as to a superior intelligence. You saw the question as a statesman, I only as a lawyer.

I heard Sumner's speech.<sup>3</sup> It is the best thing for his popularity

Great Britain. I would go as far as any reasonable man would go for peace, but no further. I would not be unwilling to submit this subject to the arbitration of any of the great Powers of Europe; but I would not submit to the arbitrary, the absolute demand of Great Britain, to surrender these men, and humble our flag even to escape from a war with Great Britain." Hon. John P. Hale, December 26, 1861. *Congressional Globe*, 2d Sess., 37th Cong., 176.

<sup>1</sup> Stanton took office January 15, 1862.

<sup>2</sup> From the Adams MSS.

<sup>3</sup> In the Senate, January 9, 1862. It is in his *Works*, vi. 169.

and reputation that he has done. It was the first opportunity he has had to speak without offending half the nation. It was desirable to have not only America but Europe see that the surrender was on principle, and not from fear; and Sumner's speech will do a great deal in that direction. I do not agree to his *law*, or rather, perhaps, we do not mean the same thing by the word *law*. He cites treaties, but they are mostly made to modify or clear up the law. He cites diplomatic correspondence, which often indicates the efforts of one nation to obtain a declaration of doubtful law, or to effect changes in it, or to make a new rule for new cases, quite as much as it indicates a deliberate, impartial judgment of what the law is. He ignores adjudged cases, and cites a few extracts from commentators and diplomatists which are not all logically applicable. The Anglo-Saxon mind defers to adjudged cases, as the best evidence of pre-existing law. Not so the mind of Continental Europe; and the latter is Sumner's storehouse. I told him I preferred Mr. Seward's *law* to his, because I am a sailor and a fighter, while his object was to keep as near as he can to the "True Glory of Nations," and have no war, if possible, and if we must fight, to use blank cartridges as much as we can. On the sea, war is stripped of all its horrors, to non-combatants, women, children, homes, graves, churches, fields, the sanctuaries of life, the basket and the store, the wounded and the dying. It touches only those men, enlisted combatants, who go down to the sea to fight; and with them it is seldom, and soon over. To all others, it is a *mere money question*, of loss of property which has been intentionally, and knowingly subjected to a war risk, for the sake of profit. I believe that the most mild and humane form of war is the coercion of your enemy by material distress. I believe in your right to drive him off the highway, to keep him to his own soil and freehold, and to test the flag, the papers and the conduct of all neutrals. Sumner's happy vagueness, and felicitous, warm, rose-colored haze, enables him to talk peace, where there is and can be no peace, and prophecy perpetual calm weather on the ocean.

Am I not right in deducing from the Trent case, as treated by Seward, these positions?

1. The right of search by cruisers; and no exception established in favor of vessels that carry mails as well as passengers and cargo.
2. That the *errand* of Messrs. Mason and Slidell was of such a character as to make them, *in the act of transit*, quasi-contraband; so that the attempt to give them the needed transportation, with full knowledge of the circumstances, was an act of hostility which should forfeit the vessel, if taken *in delicto*.

3. The making such persons prisoners of war, when discovered on the above search, is not dependent or conditioned on the judicial condemnation of the vessel, or on the taking in of the vessel for adjudication, either by admitted law of nations, or in reason.

4. On the question whether such emissaries, discovered in this manner, on their way to their places of destination, are to be held as prisoners of war, it is immaterial whether the *termini* of the vessel's voyage were neutral ports or otherwise, the men being *in transitu* for their destination, and the vessel knowingly taking them on their way, and discovered *in delicto*.

5. The Spirit of the Law of Nations requires of the belligerent an adjudication, if possible, in his own courts, on all maritime questions touching neutrals. It is desirable, and most in accordance with American history and policy, to extend this requirement. A direct adjudication on the persons cannot be had; but, by bringing in the vessel as prize, it is *probable* (not certain) that, indirectly, the Court may pass on the *status* of the persons. Even this probability of an indirect judicial finding is worth preserving, both as an international pacification, and for effect on the mind of the capturing officer. Let the rule then be, not that the bringing in of the persons is conditioned on the bringing in of the vessel, but that it shall be the duty of the captor, when he takes such prisoners, also to bring in the vessel, from which duty, only what the law would recognize as a necessity shall excuse him.

6. In this case, the release of the *Trent* was not solely and clearly on the ground of necessity. Therefore to make good the above rule, the prisoners should be restored to the neutral, if he demands them.

The result, then, is that Capt. Wilkes was right in every point but the failure to bring in the vessel; and, as to that, he violated no established rule, and was justified by British precedents, therefore it is no case for an apology, but an opportunity for establishing the first precedent for a rule which is consonant with our traditional policy, and most for the peace of the world.

This is my analysis of Mr. Seward's admirable paper. It puts the law where I have always supposed it to be; and I yield gratefully to the result, as a matter of enlarged general policy for the good of the world. You see, therefore, that I do not mean to say that I was wrong on the law, but that you saw what I did not, that beyond and clear of established law, consistency and enlarged policy enabled us to make this a precedent for a new rule. I thought it was a dilemma and that unless we had violated what England could show to be a law of nations, we could not give up the men on her demand.

You notice the two small coals we have put on John Bull's head, the offer of passage for his troops through Maine,<sup>1</sup> and the paying for the *Perthshire*. The feeling as to the gross inconsistency of England, and her taking advantage of our distress to initiate a war, or an attitude of war, so as to aid in dividing our empire, — this feeling is deeply seated on people, but so far as the Government is concerned, a settlement is a settlement.

I think the atmosphere of Washington improved the few last days I was there. The appointment of Stanton and the retirement of Cameron, raised the tone everywhere; and the conference of the financiers ended in an agreement in favor of a large and honest direct tax, and against throwing into the currency millions in demand-notes, without interest, and made legal tender, and necessarily depreciating. This result also raised confidence, and will continue it, if carried out successfully. There is restlessness and uneasiness about the conduct of the war, but I do not give in to that to its full extent, and hope much of Stanton. His appointment is significant also of an abandonment of party lines. . . .

One word would put all right, and that is *tone, tone*. We have none. We must have it, or be justly despised. With great respect, I am Yours very truly,

RICH. H. DANA, JR.

KENNEDY TO WINTHROP.<sup>2</sup>

BALTIMORE, January 21, 1862.

MY DEAR WINTHROP:

We shall soon hear of the reception in England of the Mason-Slidell settlement. I was greatly gratified by Seward's letter which I thought adroit and masterly, and I entirely agree in the propriety and justice of the settlement. When I wrote you in December, I spoke against the surrender of the prisoners, as a thing not to be thought of under the conditions upon which the English press represented the purpose to make the demand. I wrote too hastily, perhaps, to advert to the qualifications with which the subject might be brought to the attention of our Government. I was full of the idea that we were to have a peremptory and humiliating demand to which we could not with honor submit, — no matter what might be the merits of the case. But when the question was presented in a totally different form, with all the courtesy due to our position, I did not object to the fair and candid review of it, given by the

<sup>1</sup> Bancroft, *Seward*, II. 245.

<sup>2</sup> From the Winthrop mss.

Secretary, and fully concurred in his view that it concerned our honor and respect for justice to decide the case with a judicial impartiality. In doing so I think we have rather gained a triumph over the passionate prejudice of Mr. Bull, and, perhaps, astounded him with a demonstration that our government is quite as free from a terror of the mob as his own — perhaps even more. Besides that, we have gained an important vantage-ground over him for any future contest we may have with him on that long disputed point of his assumed belligerent rights. I suppose they will not admit that in England; but I think it will be so regarded on the Continent of Europe and that the settlement will make us friends there.

I feel as you do upon the development of the private and public sentiment which this event has evoked in England. It has proved to us, notwithstanding the kindly sympathy for our cause which is honestly felt and openly expressed by certain portions of English society and many estimable individuals, that there is a wide-spread unfriendliness against us, in the most active and influential circles, and that it furnishes us a wholesome warning against future trust, either in the good will or the sincerity of the nation when loudest in its professions of respect. Nothing could be more ungenerous, to say the least of it, than this revelation of a wish to strike us at such a moment as the present. One may find much in the history of the last twenty years interpreted by the acts of today, to accuse England of a perfidious intent to compass our destruction. She fomented the abolition sentiment, harked its agents on to persevering assaults upon the peace of the Slave States, aided in bringing this discontent to a violent issue, and then, having embroiled us in the quarrel, turned to the opposite side; and has ever since been captiously seeking pretexts to consummate our destruction by an active sympathy with the Slave interest, which we may conclude she will betray at the first moment after the mischief she meditated is fully accomplished. These are the suspicions to which she has laid herself open, and from which it will take a long-time practice of more generosity than we can now give her credit for, to relieve herself. *Perfide Albion!* . . .

JOHN P. KENNEDY.

ADAMS TO EVERETT.<sup>1</sup>

LONDON, 24 January, 1862.

MY DEAR SIR, — The case of Mason and Slidell seems to me to have done good in one particular. It has led to the practical surrender by all nations of the right of search on board of neutral

<sup>1</sup> From the Adams MSS.

vessels to take out men. This of course is for the benefit of the weaker parties in securing them from the tyranny of the great powers. Among the latter none has shown itself more dangerous on the ocean than Great Britain. It suits her *now* to hold up neutral rights. The moment is propitious to obtain concessions which may prove not a little embarrassing to her and beneficial to us on the happening of a quarrel with France, an event certain to occur in due course of time, no matter what the labour to prevent it.

There is no doubt that a large party has been deeply disappointed by the issue of this affair. But it is not discouraged. There is an avidity manifest to catch some new pretext which breaks out daily in the columns of several newspapers more or less associated with the cause of the rebels. The blocking up of Charleston harbor has figured for a week as the most barbarous event of the age. Unluckily for the fate of this story a rebel vessel has just come in from Charleston and makes light of the obstacle. The wind forthwith changes and we are told of the inefficiency of the blockade. And so it goes on and will go until there is a manifestation of strength in the field that defies contradiction. Just at this moment the accounts from the South come rather dark and there is a lull in the storm. The conclusion which I draw is that the military events of the next six weeks will determine the action of all the European powers.

Meanwhile it is not to be disguised that ill-will to us spreads rather than declines. I think a majority of the Ministry is steady to the purpose of non-intervention. I am not quite sure that the chief is of that side. But it is generally understood that Prince Albert's views by no means countenanced hostility to us, as a point of national policy, and that the Queen is more devoted to executing his notions now than she was even in his life. Her most confidential advisers remain of his opinion. The effect of this is felt not only in subduing the temper of the Premier, but also in restraining the ardor of the opposition. Lord Derby and his friends, relying on the expectant policy as the sole channel through which to reach any durable possession of power, are disinclined to any positive committal which might raise obstacles to success otherwise regarded as certain. So far the favorable side of the picture. On the other hand there is the grim spectre of democracy, the ingrained jealousy of American power, and the natural pugnacity of John Bull, all working with force in three great classes of the community to the same end, the striking a blow where it will tell. Between these conflicting powers it is not easy to say where the preponderance will rest. In my belief events will alone decide the question.

As for the *London Times*, it is idle to hope for any fair dealing in that quarter. Its policy in the present instance is in humble imitation of that of Count de Vergennes, to secure the division of the Union as an essential security to the peace of Europe and the preponderance of Great Britain. If our American friends in Europe have not had enough of trials to soften it, their stock of evidence of the things not seen must be infinite. . . . Very truly yours,

C. F. ADAMS.

DUKE OF ARGYLL TO ADAMS.<sup>1</sup>

*Private.*

LONDON, January 25/62.

DEAR MR. ADAMS, — I have read my excellent Friend Sumner's Speech with much interest and some amusement.

I have no objection to any amount of scolding on account of our former practice in respect to Impressment, because it is a doctrine and a practice which we have long abandoned on our own soil, and which it is not likely we could ever renew in respect to neutral vessels.

But it is curious that Sumner should not see, what is obvious from his own statement of the case, that we might (logically) resume that practice tomorrow without acting inconsistently with any thing we have said or done in the case of the *Trent*.

Sumner starts with a mistake on a point of fact. He assumes (no doubt from our own Press) that we objected to the act of Capt. Wilkes only on the narrow and technical ground, that the ship was not taken into Port.

But this is not the fact. This is a very minor objection, tho' so far as it goes, a sound one.

But the real objection I hold to be a much stronger one, *viz.*, that a neutral vessel, with a bona fide, *neutral destination*, cannot contain contraband of war at all, and that civilians, especially, bound for a neutral country cannot, under any circumstances, be held to be subject to seizure as Contraband.

I venture to affirm that no decision of any of our Judges, nor any act of our Government can be cited as inconsistent with this doctrine.

The "Stopping of an Ambassador" is a mere misquotation from Lord Stowell. He does not affirm that an Ambassador may be stopped wherever he may be caught. He merely says that He may be stopped if he comes, or places Himself, within your lawful power.

<sup>1</sup> From the Adams MSS.

Sumner never even alludes to the *destination* of a Vessel as affecting the question of Contraband on board of her. Yet all Lord Stowell's decisions, when adverse, were founded on the fact that the *destination* was a belligerent one:—with only a *colourable* neutral destination.

It is quite true that our objections to the act of Capt. Wilkes are objections consistent with American Principles. But they are equally consistent with our own: and would not interfere with the continued assertion of all our old doctrines *on the subject of Contraband*.

The Impressment doctrine was wholly separate. Yours very truly,

ARGYLL.

HIGGINSON TO ADAMS.<sup>1</sup>

BOSTON, January 31st, 1862.

MY DEAR SIR, — I beg leave to recall myself to your recollection by thanking you as an American for the attitude taken in your interview with Earl Russell on the 19th of December, as indicated in his dispatch of that date published in our papers this morning.

Plain talk is the best talk for John Bull. Such at least has been my experience commercially.

As to the *Trent* affair, Mr. Sumner's noble exposition of the American policy, as contrasted with that of England, yields a completeness of satisfaction in the result that was not exactly afforded by Mr. Seward's dispatch.

Your correspondence will doubtless inform you how profoundly the contemptible course of England throughout our troubles, — culminating in this insolent demand at the cannon's mouth, — has been felt here in Boston and New England, where English proclivities were probably stronger than anywhere else in the United States.

For myself, though bred to English preferences, and though these have been strengthened by valued English friendships, I am not sure that I shall ever know England again except as Napoleon's nation of shopkeepers, or De Tocqueville's nation of hide-bound egotists. Many and admirable exceptions do not reverse the rule. You may be sure that this revulsion of lifelong sentiments is a common process hereabouts in these times.

But I will not occupy more of your time, except to add my good wishes for your welfare and official success. Very Sincerely Yours,

STEPHEN HIGGINSON.

<sup>1</sup> From the Adams mss.

WINTHROP TO KENNEDY.<sup>1</sup>

BOSTON, 1 February, 1862.

I am sorry to find the fashionables of Baltimore continue so unreasonable. Your city seems as likely to be famous for its *rebels* as it used to be for its *belles*. What a world of good those women could do, if a change of heart could only come over them! I do believe, that if a feeling of genuine good-will towards the Union could once more be established in Maryland, and more particularly in its great Commercial Metropolis, — if the Monumental City could thoroughly renew its allegiance to the Government established and defended by those whom its columns and statues commemorate, — we should begin to see the end of this horrid War. Next to a great victory over the rebel armies, we want a conquest over the rebel hearts. Is there no moral or religious influence which can be brought to bear upon them? Your Catholic Archbishop should take the matter in hand, and Whittingham<sup>2</sup> should co-operate.

We are threatened with another difficulty. In that extraordinary budget of Diplomatic Correspondence, of which not more than a dozen pages ought ever to have been published, and not more than two dozen pages ought ever to have been written, Seward has proclaimed again and again that a recognition of the South by England or France is *War*, and that Adams and Dayton are, in such event, to immediately withdraw from their posts. Such a declaration was unwise at any time, and only to be excused when the rebellion had just broken out, and when we hoped to extinguish it before mid-summer. It will never do to act upon it *now*. Recognition at an early moment is an offence, — but it is one *we* have always given to others; it is not in itself cause of war and it would be madness, at this late day, so to treat it. There is no inconsistency in the Administration's withdrawing from a position, which is a standing menace, and more likely to precipitate recognition than to delay it. The lapse of time is sufficient cause for changing front, which might be done quietly and confidentially; but we ought not to be exposed to the danger of War, in case France receives Slidell, as I am much afraid she will. Mere recognition is nothing, and will do no harm save in so far as it gives moral courage and confidence to the South. The truth is, we have somehow or other lost the *good-will* of the world. We can not do without it, and must make some sacrifices to recover it. It seems to me of the greatest importance at this moment, that while we do our best to avert a recognition by kind words abroad

<sup>1</sup> From the Winthrop mss.<sup>2</sup> William Rollinson Whittingham (1805-1879).

and strong blows at home, we should also be prepared to meet recognition, if it comes, and from whatever quarter it comes, in a quiet, nonchalant manner, — as a thing that can do us no harm, and that we have now no right to resent, however much we may regret it. We ourselves have taught the world to patronize rebellions by early recognitions, and we ought to be prepared to take it with a silent shrug, reserving our wrath for greater occasion. You are so near Washington, you can run down and have a talk with Seward about it. . . .

ROBERT C. WINTHROP.

ADAMS TO DANA.<sup>1</sup>

LONDON, 6 February, 1862.

MY DEAR SIR, — I thank you heartily for yours of the 19th, the only one (by the way) that I received by this steamer.

Before this arrives you will have seen the reply of Lord Russell to Mr. Seward's Despatch, as well as his Note to Lord Lyons of the 19th of December giving an abstract of a conversation between him and myself on that day. You will note at the close of it an intimation of mine made in a much more good-natured way than would appear from that naked statement, that whilst I thought France consistent, as a neutral, with her general policy in former days, I could not compliment Great Britain so much upon her latest position. To which his Lordship quietly replied that they would readily dispense with compliments provided they could secure their object.

In this nutshell you see comprised the entire public policy of the country. It is English and nothing else. Hence it is that when it was convenient to make a law on the ocean which should, so far as it could, cut up all neutral rights, especially in America, Lord Stowell stood ready to sanction any and everything that the Ministerial policy of that day required for the protection of England. But now that it has pleased their successors to erect themselves into neutrals for the sake of pushing their navigation into the place of ours, the law officers of the Crown stand equally ready to turn their backs on all the musty decisions of their predecessors, and to proclaim a bran-new doctrine, precisely suited to the purpose in hand. In this pursuit they are content to forego the barren tribute of praise in consideration of their securing the solid pudding of national profit.

And thus hath it ever been in the foreign dealings of our canny

<sup>1</sup> From the Adams MSS.

parent! With much to admire in her, both of good and great, it is not to be denied that in reference to foreign countries her eye is generally set upon the main chance. Compliments are very well, but results are better.

So far as I comprehend the legitimate position of Great Britain as taken under the old law recognized between nations down to this day, it rests upon two desperate quibbles.

The first is that the act of search was not completed. The violation of law consisted in not doing enough. If the offence had been greater, the grievance would have been less. If men, despatches and property had been adjudicated upon, the seizure might have been proved legitimate, or at the worst, justifiable.

The second is that the men were going *to* a neutral country, in a ship starting from a neutral territory. Ergo, there was no evidence of injurious intention. Surely a man intent on mischief in a foreign country could scarcely be caught in any other course than that which leads towards it. Neither is the character of that mischief changed, whether he go on a straight line, or pass on a right angle at the point of which should be placed another person's land!

In both cases the spirit of the law is equally overlooked. The object being one equally interesting to all nations, the prevention of harm to themselves, from the abuse by their enemies of the privileges conceded to third parties refusing to mix themselves up in the quarrel, it was fair to presume that once it was conceded to be just, the necessary means to attain it were of course implied. Hence the principle of the right of search in time of war. But this power being in its practical exercise liable to great abuse, the limitations upon it must be not merely good faith, but the ratification of some competent tribunal. Such being the theory, let us apply it to the case of the *Trent*. There is no evidence to show that Captain Wilkes transgressed the limitation, excepting in the failure to leave open his action for subsequent adjudication. To call his course an outrage is then simply preposterous. And to complain of it for the reasons given, is pretty much on a footing with a quarrel with a man for pursuing a debt because it may have been contracted on a Sunday.

I am stating this, you observe, simply on the ground of understood international law as heretofore established by Great Britain. The position now taken by her that the vessel is sacred because a mail-packet is something wholly new, and grows out of the changed nature of ocean-navigation between the great countries of the world. There is no such exception made in any of the books. No belligerent heretofore would have hesitated in seizing the mail-

coach and mail-bags crossing a neutral territory on the continent, if thereby he could possess himself of the person or the despatches of an enemy's ambassador. The thing has been done over and over. The assumption that a mail steamer is free from the right of search (for it amounts to that) is then a new interpolation into the law for the benefit of Great Britain which is doing its best to monopolise the article on the ocean. I do not say that it is a bad principle. On the contrary I approve it. But what I do say is that it is British law enunciated now as it always has been, to meet the especial emergency for its own benefit. And so it is in every other part of the case of the *Trent*. Whilst I consent to the result as in harmony with my opinion of the merits of the case, it in no way exalts my ideas of the system into which it has for the first time been incorporated. Doubtless you have long since perceived in my turn of mind little tendency to admiration of the foreign policy of the mother country. She blundered dreadfully in her course towards us during and immediately after the revolution. She might have subdued us morally after she ceased to attempt force. She preferred a different course, which was the means of making us a United nation. Still later she might have had our sympathy and even our aid in the struggle she carried on so long and so painfully with the power of Napoleon. Instead of it she chose to irritate us into enmity and war. And just so is it now. She might have conciliated us by a very small amount of sincere and hearty kindness in the midst of our distresses. She has deliberately preferred to sit as a cold spectator, ready to make the best of our calamity the moment there is a sufficient excuse to interfere. I do trust that in this last as in the two former cases, the result may be to bring round a consequence, the direct opposite of all her expectations.

I have written so much on this subject as to cut off much that I meant to say on the other topics of your letter. As to Sumner's speech, it was very good, but it has cost him his favor here. No paper has ventured to print it, and the *Times* indulges in its customary courtesy when alluding to it. As to your other observations upon the state of things at Washington, I keenly feel their justice. But it seems to me from this distance as if the course was improving all the time. Slowly perhaps but still certainly. In this hope I try to live, and to bear my troubles here, until the moment come which I shall hail with no little satisfaction, when I can return to the quiet life of former times in our good city of Boston. Very truly yours,

C. F. ADAMS.

## THE ENGLISH PRESS.

W. H. Russell, in a letter to the *Times* dated Washington, December 19, 1861, stated that the Queen's Messenger, bearing the British ultimatum, arrived before ten o'clock of the previous evening. He then goes on to say: "The members of Congress most averse from such a war are the very men who are most jealous of American honor, and yet they do not see how the Government can comply with a demand for the restoration of Mason and Slidell to the shelter of the British flag. This Government has compromised itself to that point. The only Minister who reports to the Congress directly is the Secretary of the Treasury. All the other Secretaries send in their reports through the President, who by the act adopts their language, inasmuch as he can strike out whatever he does not approve. Now in the report of the Secretary of the Navy there was the most unqualified approval and adoption of Captain Wilkes's act, which is therefore approved and adopted by the President of the United States." . . .

"On all hands it is now admitted that the offence was at once insult and wrong, and it is no great triumph, therefore, that it should have been followed by reparation. If we had had to deal with a friendly and courteous people, we should have had no occasion for preparations for war. If a French or an English captain, while the two nations are upon their present terms, were to gratify a crack-brained freak or an insane thirst of notoriety by some piratical outrage against the foreign flag, neither Government would wait to see whether any miserable advantage could be gained by the circumstance. The act would be at once disavowed, and the booty returned, with apologies and compensation. This was the course which if Federal America had been courteous or even shrewd, Federal America would have pursued. Mr. Seward missed a great opportunity when he failed to act as a European statesman would have acted under similar circumstances. At this moment there is no great sympathy here for either party. The attraction we feel towards a weaker nation invaded by a stronger and a richer nation is repelled by the very general detestation of slavery; and if Mr. Seward had seized the opportunity for a graceful and a courteous act we would not answer for how far our countrymen might have been tempted from their rigorous neutrality. It was a gross blunder for the shrewd Minister of a shrewd people to miss the chance of a great advantage only to do the same act at last under circumstances of unavoidable humiliation." *Leader in the Times*, January 9, 1862.

"If they had disavowed the seizure and given up the men at once, the American Government would have done much towards placing its flag under the protection of right and justice. But they kept the men till they had done for the South services far greater than they could possibly have performed had they been left at liberty. The men who in all probability would not have been able to effect anything by their advocacy with the Governments of England and France, became, when placed in prison, the most persuasive of missionaries, and made converts to Southern principles by mixing them up with the doctrines recognized by all nations." *Leader in the Times*, January 13, 1862.

"When it appeared that, under the name of defending the rights of neutrals, he had committed himself to propositions which would subject a packet-ship carrying a Confederate agent from Dover to Calais to be captured and taken to New York, it was felt that his [Secretary Seward's] own paper was its own best refutation, and that no reply could make clearer its utter absurdity. . . .

"The propositions upon which Mr. Seward had insisted were these: First, that 'Ambassadors from a belligerent to a neutral nation, sailing in a neutral vessel, from a neutral port to a neutral port are contraband of war'; secondly, 'that a neutral packet-ship carrying such Ambassadors from neutral port to neutral port is liable to be taken into port and confiscated'; thirdly, that if 'in the opinion of the Minister of a belligerent Power the safety of that Power demands the detention of persons illegally captured by the violation of a neutral flag, it is the right and duty of the belligerent nation to detain them.' These are the three propositions with which Lord Russell, assisted by the Law Officers of the Crown, had to deal. Perhaps it might have been sufficient to protest that, with regard to the first position, 'Her Majesty's Government differ entirely from Mr. Seward.' But the American Minister had enveloped his doctrine in a show of authorities. Now there are two classes of persons who misuse precedents. The first are flagrantly dishonest minds, who, when at a loss for a case in point, invent one and publish it to the world as authentic; the others are minds of such imperfect discipline and narrow purview that they cannot see the general character and ruling principle, but catch hold tenaciously of some single circumstance or striking word, and hold fast to it. Mr. Everett and Mr. George Sumner are the most recent public examples of the former kind of controversialists — Mr. Seward is an eminent instance of the latter. Let us take a single instance. Mr. Seward had found out that there were two cases in which Sir William Scott had laid

it down as law that 'you may stop the Ambassador of your enemy on his passage' and that 'civil functionaries if sent for a purpose intimately connected with the hostile operations, may be dealt with as if they had been belligerents.' Mr. Seward, seizing upon these words, draws the conclusion that Sir William Scott's authority would justify him in seizing an Ambassador wherever he can get at him — a construction which involves the absurd sequence that you might take him out of neutral territory, or out of a ship of war, or out of a neutral ship of commerce, — that you may hunt an Ambassador, in fine, wherever he may be. Lord Russell rectifies the construction by simply pointing to the authority cited. That authority supplies the *essential limitation*, — 'You may attach and arrest these persons *wherever your right to exercise acts of hostility exists*.' This right exists on board the *Sumter* or on shore at New Orleans, but certainly not on board English packet-ships. The intention of Sir William Scott, of course, was to decide that an Ambassador had no special protection in his enemies' country, but was liable to be seized, like any other alien enemy. Mr. Seward produces the words to show that you may seize Ambassadors under neutral flags, and claims this right as a provision in favor of neutrals.

"When Lord Russell has, in like manner, and with equal conclusiveness got rid of Mr. Seward's other authorities, the unsupported propositions stand alone in their naked absurdity; and there is now no danger that any future belligerent will make any similar claims 'on behalf of neutral rights,' or trespass upon Mr. Seward's line of argumentation. We shall never again hear it seriously contended that a nation, by declaring war against another nation, can cut off all the kingdoms of the earth from their right to diplomatic intercourse with its own particular enemy. We shall never again find a pretension set up to treat diplomatic intercourse with an enemy as a breach of neutrality in a neutral. These claims were put forward for the first time by the Minister of that great maritime and commercial Power whose interest has always been to extend the rights of neutrals, and to narrow the privileges of belligerents. They have been put forward by a minister who seems to have been as ignorant of the real interests of his country as he has shown himself incapable of reading the textwriters, or understanding the principles of decided cases. Our interest is all the other way. When we are at war, our whole force is on the seas, and every belligerent right over neutrals counts for double, to us, what it would to any other Power. The very best thing for our power would have been to give Mr. Seward's absurdities the force of International Law. But not even the authority

of England could have impressed the stamp of currency upon such nonsense. We have sometimes in our character of belligerents made strong claims, and have drawn upon us the hostility of the world, but we never claimed to stop neutral ships and seize our enemies out of them, as they were fleeing to a friendly country. We certainly never, in the highest flight of arrogance, declared that, if our safety demanded it we should claim a right to set all neutrality at naught, and exercise lawless violence alike over friend and foe.

"When dealing with such a reasoner as this, it is necessary not only to make our proofs clear, but also to make our resolves unmis-takeable. Mr. Seward may, perchance, still be impervious to the reasonings contained in this State paper, although every European statesman will accept them as conclusive; but even he may learn from it what for the future he must not attempt to do. Lord Russell is very explicit to the effect that, if a British ship be *bona fide* bound to a neutral port, no men, and no despatches, will be allowed to be captured by any American cruisers. Lord Russell also declares, without hesitation, that 'to detain, disturb or interfere with packets engaged in the postal service — when sailing in the ordinary and innocent course of their legitimate employment, which consists in the conveyance of mails and passengers — would be an act of a most noxious and injurious character to the public interests of neutral Governments.' These are acts which Mr. Seward is warned not to be betrayed by his own bad reasons ever again to attempt. To Mr. Seward's strange declaration that he is prepared, under certain circumstances to disregard all law, there is no answer to be given but that which Lord Russell gives — namely, that Great Britain would not have submitted to the perpetration of any such act. The answer is very complete, but the contemporaneous arrival of the persons who had been kidnapped is a commentary which goes far to supersede the text.<sup>1</sup> Practically, the declaration as to the inviolability of mail packets is the most important portion of this document, for it gives grave sanction to a doctrine which before rested only on the slender authority of a modern French jurist. This is very important. The rest was only necessary to efface the blot which Mr. Seward's ignorance had thrown over the public law of Christendom." — Leader in the *Times*, January 30, 1862.

<sup>1</sup> Mason and Slidell, with their secretaries, reached Southampton, January 29, on the Royal Mail Company's steamship *La Plata*, the very vessel they would have taken but for Captain Wilkes' action. It was the *La Plata* which brought to England, November 27, the first news of the arrest of the Confederate agents.

The attitude and utterances of the English press at this period were something difficult to realize, as respects rudeness and contemptuous insolence. For example, here are three extracts taken at random from issues of the papers; one before the occurrence of the *Trent* affair, one while it was still unsettled, and one shortly after the incident was closed. They are merely examples taken at random, and in no way exceptional. The first is from the *Saturday Review* of October 6, 1861: "We do not agree with the *Times* in thinking that England stands in American opinion on the level of the least favored nation. We believe, on the contrary, that there is no nation whose esteem they so much desire; and that it is because they so much desire our esteem that they rail at us so much. The Americans crave for our sympathy, and, in a reasonable measure, they possess it. They have done their utmost to disgust and repel us. They have flourished in our faces manifestoes of buccaneering aggression. The statesmen and diplomatists by whom they have allowed themselves to be represented have exceeded in insolence, in ruffianism, in profligate dishonesty, all other statesmen and diplomatists with whom we have had to deal; and some natural exultation could not fail to be felt at the total break-down, in the face of real difficulties, of a set of low-bred swaggerers who had been 'chawing up creation' with their lies and their bluster, with their forged Oregon maps and their Monroe doctrines."

The next is from the *Morning Chronicle*, November 28, 1861, in the heat of the *Trent* excitement: "Abraham Lincoln, whose accession to power was generally welcomed on this side of the Atlantic, has proved himself a feeble, confused, and little-minded mediocrity; Mr. Seward, the firebrand at his elbow, is exerting himself to provoke a quarrel with all Europe, in that spirit of senseless egotism, which induces the Americans, with their dwarf fleet and shapeless mass of incoherent squads, which they call an army, to fancy themselves the equals of France by land, and of Great Britain by sea. If the Federal States could be rid of these two mischief-makers, it might yet redeem itself in the sight of the world; but while they stagger on at the head of affairs, their only chance of fame consists in the probability that the navies of England will blow out of the water their blockading squadrons, and teach them how to respect the flag of a mightier supremacy beyond the Atlantic."

The third is from the issue of the *Times* of January 11, 1862, just at the time that the news of the settlement of the *Trent* affair reached England: "The ferocity and vindictiveness which have become in the present generation part of the American character, as shown by duels and assassinations, and atrocities on board ship, that almost

pass belief, are now in full play in this unhappy strife. And as yet the passions of the combatants have hardly had scope. When the half-million of Northern soldiers are launched against their adversaries, we may look for deeds such as the warfare of hereditary rivals like England and France would never know. . . . If any one would learn the character which this war is assuming, let him read the accounts of the destruction of the port of Charleston. . . . Among the crimes which have disgraced the history of mankind, it would be difficult to find one more atrocious than this."

Mr. RHODES presented, for publication, the following letters from John Bright to Charles Sumner, obtained from the Sumner Papers in the Library of Harvard University.

LETTERS OF JOHN BRIGHT, 1861-1862.

REFORM CLUB, LONDON, November 29, 1861.

DEAR MR. SUMNER,—I am here for a few days, where some excitement is caused by recent incidents growing out of your unhappy troubles. The *Nashville* is in harbour at Southampton, but orders have been given to prevent her taking on board arms or any matters of a warlike character. She will be allowed, I believe, to make repairs and to take coals and provisions, so that she may go to sea; but nothing appertaining to her as a ship of war will be permitted to be done. This I am told is the course to be taken. It is said she has property on board taken from the *Harvey Birch*, but we have no jurisdiction in the matter, and cannot on that assertion deliver her over to your authorities here. There is real difficulty in the case, but if I were Government I would have ordered her off within twenty-four hours. Possibly the law only enables our Government to act as I have described.

Then the Southern Commissioners have been taken from an English ship. This has made a great sensation here, and the ignorant and passionate and "Rule Britannia" class are angry and insolent as usual.

The Ministers meet at this moment on the case. The law officers say that your war steamer might have taken the *despatches*, or the *ship itself* into one of your ports for adjudication; but that to take the Commissioners was unlawful, inasmuch as it is not permitted for an officer of a ship of war finally to decide on the right of capture. That duty belongs to a regularly constituted Court. In fact you have done too little or too much. Had you taken the ship, the law would not have been broken; but having taken only the men you are in the wrong. I doubt this, looking to the terms of the law

as laid down in the authorities, and to the terms of our royal proclamation issued some six months ago. The whole code of law in these matters should be revised and made clear, or abolished. The latter would be best.

I understand your Minister here has no instructions on this matter, and is uninformed as to what were the intentions and orders of your Government. It may be that Commodore Wilkes acted for himself, and without specific orders. I hope our Government will take a moderate and forbearing course, and that yours will do the same. We might have been more friendly in the *Nashville* matter, and you in this of the *Trent*.

I am sure you will do what you can to smooth any irritation which may exist with you, and you have great power.

I may learn something more this way, for I shall probably see some Minister later in the day, and I am to dine with Mr. Adams at seven o'clock; but I write this in case I cannot say anything at a later hour in time for to-morrow's boat. I hope to do some service for both countries on Wednesday next. . . .

JOHN BRIGHT.

There is a feeling among our Ministers that Mr. Seward is not so friendly in his transactions with them as they could wish. I hope this is not so.

MANCHESTER, November 30, 1861.

DEAR MR. SUMNER, — I am just here from London and write in hope of catching the Steamer at Cork.

Mr. Adams saw Lord Russell yesterday, but could give no information on the *Trent* affair having received no instructions.

A Cabinet Council was held yesterday. The Chancellor, Attorney and Solicitor General [Roundell Palmer] were agreed and decided that you have done an illegal act in seizing the Commissioners. You might have seized the *Trent* and taken her to New York or elsewhere for trial, and condemnation if she deserved it, but you could not seize persons in the ship, when no trial could be had, and no legal procedure be resorted to. This is the opinion of our lawyers. Yours may hold a contrary opinion. Nothing was decided, and another meeting was to be held today. I have urged that nothing should be done till after Monday, when Mr. Adams may have instructions or explanations; and further, that nothing should be asked from your Government that you could not easily comply with.

The tone of the Ministers is not violent, and I hope they will be moderate; but I can promise nothing.

A portion of our Press is rather violent, and foolish people are foolish, but we hope nothing worse may come of it.

I am hoping to hear good of your Beaufort expedition, and of all you do to restore peace and union.

In great haste for I am not sure I shall catch the Boat at Cork. . . .

JOHN BRIGHT.

ROCHDALE, December 5, 1861.

DEAR MR. SUMNER, — You will have received from me two hurried notes which I wrote for the last steamer. The excitement here has been and is great, and it is fed, as usual, by newspapers whose writers seem to imagine a cause of war discovered to be something like "treasure trove." I am not informed of the nature of the dispatch of our Government beyond what appears in our Papers, and I know not how far its tone is moderate or otherwise. Our law officers are agreed and strong in their opinion of the illegality of the seizure of the Commissioners, but I cannot make out how or where it exceeds the course taken by English ships of war before the war of 1812. But all the people here, of course, accept their opinion as conclusive as to the law of the case. I assume that your law officers will be equally agreed and strong on the other side, and thus nothing will be proved to the satisfaction of the two Governments and nations. Now, notwithstanding the war spirit here, I am sure, even in this District where your civil strife is most injuriously felt, that all thoughtful and serious men, and indeed the great majority of the people will be delighted if some way can be found out of the present difficulty. If opinions on your side and ours vary and are not to be reconciled — I mean legal opinions — then I think your Government may fairly say it is a question for impartial arbitration, to which they are willing to submit the case; and further, that in accordance with all their past course, they are willing to agree to such amendments of maritime or international law as England, France and Russia may consent to. If I were Minister or President in your country, I would write the most complete answer the case is capable of, and in a friendly and courteous tone, send it to this country. I would say that if after this, your view of the case is not accepted, you are ready to refer the matter to any Sovereign, or two Sovereigns, or Governments of Europe, or to any other eligible tribunal, and to abide by the decision, and you will rejoice to join with the leading European Governments in amendments and modifications of international law in respect to the powers of belligerents and the rights of neutrals.

I think you may do this with perfect honor, and you would make

it impossible for the people of England to support our Government in any hostile steps against you. In fact, I think, a course so moderate and just would bring over to your side a large amount of opinion here that has been poisoned and misled by the *Times* and other journals since your troubles began.

You know that I write to you with as much earnest wish for your national welfare as if I were a native and citizen of your country. I dread the consequences of war quite as much for your sakes as for our own. So great will be my horror of such a strife that I believe I shall retire from public life entirely, and no longer give myself to the vain hope of doing good among the fools and dupes and knaves with whom it is my misfortune to live, should war take place between your country and mine.

I need not tell you who are much better acquainted with modern history than I am, that Nations *drift* into wars, as we drifted into the late war with Russia, often thro' the want of a resolute hand at some moment early in the quarrel. So now, a courageous stroke, not of arms, but of moral action, may save you and us. I suppose the act of your Captain Wilkes was not directly authorized by your Government; if so, the difficulty will be smaller. You would not have authorized such an act against a friendly nation, calculated to rouse hostile feelings against you; you repudiate any infraction of international law; the capture of the Commissioners is of no value when set against the loss of that character for justice and courtesy which you have always sustained; and you are willing to abide by the law as declared by impartial arbitration. I hope opinion is not too strong and too excited to prevent your taking this moderate course.

It is common here to say that your Government cannot resist the mob violence by which it is surrounded. I do not believe this, and I know that our Government is often driven along by the force of the genteel and aristocratic mob which it mainly represents. But now in this crisis I fervently hope that you may act firmly and courteously. Any moderate course you may take will meet with great support here, and in the English Cabinet there are, as I certainly know, some who will gladly accept any fair proposition for friendly arrangement from your side.

Your Congress is just meeting, and your Foreign Relations Committee and your Senate will have this matter in hand. If you deal with it so wisely as to put our Government in the wrong in the sight of all moderate men here, you will not only avoid the perils now menacing but you will secure an amount of friendly sympathy here which hitherto unhappily has not been given you.

I heard in London that when your Steamer *San Jacinto* was at Havana, the Southern Commissioners were invited by Capt. Wilkes to *dine with him on board his ship*, and that they did so dine with him. The idea has been put forward that the whole thing was arranged, with a view to embroil the North with England. This fact was positively stated to our Cabinet at their meeting on Friday or Saturday last. I spoke at length last night on American affairs.<sup>1</sup> Mr. Cobden wrote an admirable letter to the Chairman of the meeting. I hope what was said and written may be of use here and with you. Between the *Nashville* and the *Trent* there is combustible matter for both sides the water. Don't allow *temper* in any of your statesmen to turn his judgment. Without foreign war I look to the restoration of your Union. Give no advantage to the enemies of your Republic here, and you will be all right again by and bye. Be courteous and conceding to the last possible degree, now in your time of trial, and may God help you in your struggle for freedom and humanity.

Can you let me know anything when determined on? You may entirely rely on my discretion in regard to it. . . .

JOHN BRIGHT.

*Private.*

ROCHDALE, December 7, 1861.

DEAR MR. SUMNER, — I write a few lines more for the steamer at Cork tomorrow. There is more calmness here in the public mind, which is natural after last week's explosion; but I fear the military and naval demonstrations of our Government point to trouble, and I am not sure that it would grieve certain parties here if any decent excuse could be found for a quarrel with you. You know the instinct of aristocracy and of powerful military services, and an ignorant people is easily led astray on questions foreign to their usual modes of thought. I have no doubt you will be able to produce strong cases from English practice in support of the present case, but I doubt if any number of these will change opinion here. It will be said, and is said already, that if we did wrong fifty years ago, it is no reason why you should do wrong now. The law is the law and it shall not be broken, and we take our law officers' law for our law. Now what is to be done? You must put the matter in such a shape as to save your honor,\* and to put our Government in the wrong if they refuse your proposition. I see no way but to

<sup>1</sup> At Rochdale. See Rogers, *Speeches of John Bright*, I. 167.

\* The retention of the Commissioners cannot be worth a farthing to you in comparison to the desperate evil of war with England — as the result of any arbitration you may give up anything without any wound to your honor. *Note by Bright.*

state your case in all its completeness, and then to offer to leave the question to the decision of some tribunal — say the French Emperor, or the King of Holland, or the King of Prussia, or the Emperor of Russia, or any two of them — and at the same time to restate your willingness so to amend and define international law as to make such cases of difficulty impossible hereafter. Such a fair, and I will say, Christian course will disarm multitudes of our people, and whatever may be the secret wishes of our Government, it will, I cannot but believe, be compelled to yield; and you may rest assured, that such a course on your part will do much to create a more generous feeling here with respect to your main question.

At all hazards you must not let this matter grow to a war with England, even if you are right and we are wrong. War will be fatal to your idea of restoring the Union and we know not what may survive its evil influences. I am not now considering its effects here — they may be serious enough, but I am looking alone to your great country, the hope of freedom and humanity, and I implore you not on any feeling that nothing can be conceded, and that England is arrogant and seeking a quarrel, to play the game of every enemy of your country. Nations in great crises and difficulties, have often done that which in their prosperous and powerful hour they would not have done, and they have done it without humiliation or disgrace. You may disappoint your enemies by the moderation and reasonableness of your conduct, and every honest and good man in England will applaud your wisdom. Put all the fire-eaters in the wrong, and Europe will admire the sagacity of your Government.

Your Congress meets, I think, on Monday; I pray that in your Senate, in the Committee over which you preside, and in your Cabinet councils, and in the breast of your President there may be the calm wisdom which will baffle those seeking to force you into war with England — England, just now endangered by the power of her oligarchy and her overgrown military services. My speech has been published very widely, in all the chief London and many influential county papers. It may do some good here. Excuse my troubling you so often. . . .

JOHN BRIGHT.

*Private.*

ROCHDALE, December 14, 1861.

DEAR MR. SUMNER, — I cannot let the boat go without sending you a few lines. There is less passion shown here than there was a week ago, and there has been a considerable expression of opinion in favor of moderate counsels, and urging arbitration rather than

war. The unfavorable symptom is the war preparations of the Government and the sending of troops to Canada, and the favor shown to the excitement which so generally precedes war. This convinces me either that this Government believes that you intend war with England, or that itself intends war with you. The first supposition is scarcely credible—unless the New York *Herald* be accepted as the confidential organ of your Government (!), or that Lord Lyons has misrepresented the feeling of the Washington Cabinet. The second supposition may be true, for it may be imagined that by a war got up on some recent pretence, such as your Steamer *San Jacinto* is supposed to have given, we may have cotton sooner than by waiting for your success against the South. I know nothing but what is in the Papers; but I conclude that this Government is ready for war if an excuse can be found for it. I need not tell you that at a certain point the *moderate* opinion of the country is borne down by the passion which arises, and which takes the name of patriotism, and that the good men here who abhor war may have no influence if a blow is once struck.

There is great anxiety for the next arrivals from your side. It is feared that the President's message may commit him to some course on the "seizure" affair before he has received accounts from England. I rather incline to rely on his calmness and prudence, and to hope the best.

I have no positive information as to the demand made by this Government; but in case it cannot be complied with, I hope you will be able to make some offer of negotiation and arbitration that will strengthen the hands of all moderate men here, and make it impossible for our "religious public" to support a war. My own opinion is that the more liberally and generously you can act, the more you will turn the tide of feeling in England in your favor, and baffle the wretches who, hating your Institutions, except that one of the South, will be glad to make war upon you.

Mr. Cobden has written to you on the subject of the Blockade. If his project were possible it would tell admirably in Europe; whether it could be worked I know not. It is a desperate evil in your case that England and France, and England especially, should have so strong an interest in seeing the commerce of the South set free, and in this you run the risk of a quarrel being made by this Government; but whether many other chances of quarrel would not arise if the Blockade were voluntarily raised, in consequence of the stoppage and search of vessels for contraband at the entrance of your ports, I cannot tell; nor do I see how you could collect your duties. If collected off the port, then, would the Southern authori-

ties permit goods to be landed except on payment of further duties to them? The whole question is full of difficulties which I cannot solve or even advise upon.

If you are resolved to succeed against the South, *have no war with England*; make every concession that can be made; don't even hesitate to tell the world *that you will even concede what two years ago no Power would have asked of you*, rather than give another nation a pretence for assisting in the breaking up of your country. The time will probably come when you can safely disregard the menaces of the English oligarchy; now it is your interest to baffle it, even by any concession which is not disgraceful. . . .

JOHN BRIGHT.

*Private.*

ROCHDALE, December 21, 1861.

DEAR MR. SUMNER, — I do not let the steamer go without sending you a few lines. This week the country has been shocked by the death of Prince Albert, but our war journals have not suspended their mischievous labors. There has however been more manifestation of opinion in favor of peace, and of moderate counsels, and of arbitration in case your Government cannot accept the opinion of our law officers on the unhappy *Trent* affair. I *suspect* there is a section of our Government disposed for war; but I *know* there is another section disposed for peace, and I hope your Government may act calmly, and uninfluenced by the insults of some of our journals, so as to give strength to the section that is in favor of peace. I heard yesterday that Mr. Adams had received from the President an approval of the view he had expressed some time ago to Lord Palmerston, that his Government would not be likely to authorize the stoppage of our West India steamers to search for the Southern envoys, and that the President had written this *after* he had received intelligence of the stoppage of the *Trent*. Should this be correct, then, I hardly see how your Government can hesitate as to the course they should take, and that course must do much to ensure peace.

The *Times* and other journals, but the *Times* chiefly, have sought to create the opinion that your Government, and Mr. Seward principally, seeks war with England; and I feel certain that if you can baffle them in this one instance, opinion here will go much against them and in your favor. Unfortunately whilst heretofore cotton has been the great bond of peace between the United States and England, *now* it is acting in a contrary direction. Men think whatever the evils of war with you, at least it would give us cotton — they care little for the monstrous cost, if the price is war — and

thus cotton acts at this moment rather adversely than favorably to peace.

Mr. Cobden writes to me again about the Blockade. It would indeed be fortunate if you could permit the trade to be reopened; but I tell him I do not see how it can be done if the struggle is to be continued. He fears, as I also fear, that unless something decisive can be done soon on the Potomac, that if the present crisis be got over, other questions of difficulty will arise, or will be made, to form an excuse for England or France, or for them both, to recognize the South and to take steps for raising the Blockade of the Southern ports.

Mr. Cobden too condemns the stopping of the ports by sinking ships laden with stones, as being barbarous and permanently hostile to commerce. But *war is barbarous*, and this is but an act of war. As regards Charleston, I suppose Beaufort or Port Royal may be substituted, and may be a much better port. I mention this point to show what we are thinking of and talking about.

I have seen a letter from a Cabinet Minister here, and an influential one, arguing that the sending of forces to Canada now is necessary as a measure of precaution, as they could not be sent during the winter if matters should come to the worst, and that it should not increase the difficulty of a peace course on your side. I believe opinion in Europe is against you on the *Trent* seizure, and that any concession you can make will obtain you much good will in Europe, and that your friends will most rejoice at it. I think too that this is the view taken by some of the U. S. ministers and consuls in England and in Europe. I wish you all success in your efforts to promote peace. If the two Governments wish it, it surely cannot be in much peril. . . .

JOHN BRIGHT.<sup>1</sup>

*Private.*

ROCHDALE, January 11, 1862.

DEAR MR. SUMNER, — Your letter of the 23d ult. reached me on the 7th of this month. It shewed such evidences of anxiety on your part that it made me intensely anxious, and I was not prepared for the tidings of the following day, which announced the settlement of the question which was the main cause of immediate danger. I need not tell you how much I rejoice, or how much I admire the dignity and tact with which the matter has been dealt with in the dispatch of your Government so far as I have yet seen of it. The war-mongers here are baffled for the time, and I cannot but

<sup>1</sup> A letter from Sumner to Bright, of December 23, 1861, is printed in Pierce, *Memoir and Letters of Charles Sumner*, iv. 57.

believe that a more healthy opinion is gradually extending itself on all matters connected with your great struggle.

Mr. Cobden wrote to you about the blockade, and suggested what may appear impracticable perhaps, in his great anxiety to have removed any pretence for interference on the part of England or of France. I have abstained from following up his suggestion, because it did not appear to me to be possible to act upon it. Still the subject is one which involves a great peril, and I have a letter from a friend of mine in a Government office, tho' not a member of the Government, in which he expresses his confident belief that Palmerston and Louis Napoleon do intend at an early period to recognize the independence of the South, and to repudiate or break the blockade. Now, I should think that after repeated declarations of neutrality, and seeing that the power of your Government is evidently increasing, this is not likely; yet, knowing the willingness, and I will say the eagerness of our ruling class, *not of our people*, to see your republic broken into smaller and weaker parts, I cannot wholly disregard the warnings of my correspondent, and I wish to write to you especially upon this point.

Charleston harbour is now partly shut up, and there remain only three ports of great importance as far as regards the export of cotton — Savannah, Mobile and New Orleans. It is the closing of these ports only, and really of the two last named, which is the difficulty. If your Government could occupy the cities and ports of *New Orleans* and *Mobile*, you could at once raise the blockade, receive imports and permit exports, and the customs receipts would go into your coffers. The cotton pressure here is considerable, and may become very formidable. The price has doubled, and as the price of yarns and cloth does not follow in any proportion, trade is greatly embarrassed, and many mills are not at work. To the work-people, the opening of the ports is of great moment; with the spinners and manufacturers and merchants, I think generally there is no wish for any *immediate* change. Stocks are now held at high prices, upon which great losses would be sustained, and it is felt that what is now taking place, tho' a severe process, is clearing the world's markets and providing for a more profitable trade hereafter. But our Government could pretend an anxiety for the welfare of the work-people and for our trade, and on this pretence join France in the vile attempt to ensure your permanent disruption by aiding the South. Your occupation of the two ports I have mentioned would enable you to raise the blockade of those ports, and thus to reopen the trade in cotton, and you would thus baffle the designs attributed to the European Governments.

There is one other resource in your hands. I notice what Mr. Seward says about the Slave States which adhere to the Union, and I see the difficulty of the position with regard to them. If they could be brought to consent to a *compensated* manumission of their slaves, and thus abandon all interest in the "institution," the course would be much clearer. The general question would then be more easily grappled with. If at any moment your President or Congress should *know* that the independence of the South is about to be recognized by England, your true policy, if it be a possible policy, is to declare all slaves free; and if this Declaration precedes the recognition of the independence of the South, then England would be put in the position not of continuing merely, but of actually *restoring* the condition of slavery throughout the Southern States. So long as the *independence* is not acknowledged, so long manumission by your Government would have in the eye of foreigners the force of law, seeing that it would be an act done to secure your Government and your Union, and I think it would hardly be possible for this Government to recognize the independence, and repudiate the blockade, and therefore to make war upon you to re-establish the condition of slavery among all the negroes of the South.

I am now writing as if I believed all the worst of our Government. Of some of its members I can believe anything bad, and of its chief principally,<sup>1</sup> and I know how the course of Government here is worked by and in accordance with the natural instincts of the privileged order from which it springs. There are other members of the Government who can wish for no evil of this kind, but who may be cajoled and deluded into it. With these we shall do our best to warn them, and to urge them to break with their colleagues rather than permit anything adverse to your Union to be done. It is evident from your journals that the United States Government is becoming more and more able to grapple with the insurrection. Mr. Russell, in a letter just published in the *Times* admits this, and says that he has always known that the North would succeed if the Northern people would find funds for their Government. I wish this idea to be universally entertained here; the contrary opinion has generally prevailed even among those friendly to you, and I have often found myself alone in my view when discussing the point with my friends. Everything done with you which shows power by land or sea, every new point occupied, every move in the direction of freedom to the slave, tells here powerfully and makes it less possible for our Government to deal treacherously with you and to inflict any blow upon you.

<sup>1</sup> Palmerston.

Our Parliament meets about or on the 6th of February. America will come in for no little discussion, and I have no doubt that attempts will be made to urge the Government to recognize the South. If any facts or arguments occur to you that would be useful in our discussions, I shall be glad to receive any hints from you. Our honor as a nation, and your honor and interests, depend upon wise action in this great question. The true friends of a nation's honor and interests are often few, and they need strength from every side.

With all good wishes for you and your country, and with heartfelt gratitude to your Government for its courage and dignity. . . .

JOHN BRIGHT.

LETTERS OF DANIEL WEBSTER, 1834-1851.

The EDITOR stated that Mr. Horatio G. Curtis, of Boston, had courteously submitted for publication the following letters, now in his possession, from Daniel Webster to his father, Thomas B. Curtis.

TO JOHN SARGEANT.

*Confidential.*

[1834.]

DEAR SIR, — I have said nothing in this letter, in answer to your remarks as to a successor to Mr. Choate. That matter must be thought of, very carefully, when the time arrives.

For my own part, if I were now to name a successor to Mr. Choate, I should name Mr. Phillips. It is very well that Massachusetts should have an eminent Merchant in Congress. This is due to the commercial interests.

One of her very best Lawyers, and one of her most eminent Merchants make a proper representation of the Old Bay State in the Senate.

I can say this only to you; as all the Gentlemen whom you have named are respectable, and neither of them would do dishonor to the State. Yours truly

D. W.

I suppose it is true that Mr. Choate means to resign, some time in March.<sup>1</sup>

[On the back of the sheet is written] *Private.* T. B. CURTIS, Esq.

<sup>1</sup> Rufus Choate resigned in 1834, and left Congress at the end of the first session of the Twenty-third Congress. He was succeeded by Stephen C. Phillips, of Salem. There was a rumor of Choate's resigning in 1844, and Webster himself appears to have been mentioned to succeed. *Private Correspondence of Daniel Webster*, I. 180.

## INVITATION TO PUBLIC DINNER.

Sept. 8, 1842.

To the Hon[ora]ble Daniel Webster —

SIR, — The undersigned, desirous of evincing their gratitude for your eminent and patriotic public services, during a long term of years and especially for the part sustained by you in the late negotiations which have been so skilfully conducted and happily terminated in a Treaty with Great Britain, invite you to meet them at a Public Dinner at such time as shall be convenient to yourself.

H. G. OTIS  
JOSIAH BRADLEE  
CHARLES P. CURTIS  
ABBOTT LAWRENCE  
N. APPLETON  
P. T. JACKSON  
JOSEPH BALCH  
JAMES K. MILLS  
F. SKINNER  
J. THOS. STEVENSON  
J. INGERSOLL BOWDITCH  
S. AUSTIN, JR.  
JOS. T. BUCKINGHAM  
THOS. B. CURTIS  
ABEL PHELPS  
PETER HARVEY  
EBEN. CHADWICK  
J. MASON  
WM. STURGIS  
CHARLES G. LORING  
WM. APPLETON  
HENRY CABOT  
P. C. BROOKS  
ROB. G. SHAW  
BENJ. RICH  
PHINEAS SPRAGUE  
HENRY OXNARD  
LEMUEL SHAW  
B. R. CURTIS  
THO. B. WALES  
GEO. MOREY  
C. W. CARTWRIGHT  
E. BALDWIN

HORACE SCUDDER  
ROBT. HOOPER, JR.  
SAMUEL QUINCY  
OZIAS GOODWIN  
JOS. RUSSELL  
JACOB BIGELOW  
JONA. CHAPMAN  
G. R. RUSSELL  
H. WAINWRIGHT  
FRANCIS FISHER  
JOHN S. BLAKE  
F. C. GRAY  
NATHAN HALE  
J. M. FORBES  
S. HOOPER  
GEORGE HOWE  
W. H. GARDINER  
J. H. WOLCOTT  
DANIEL C. BACON  
J. DAVIS, JR.  
W. C. AYLWIN  
F. DEXTER  
ISAAC LIVERMORE  
THOS. KINNICUTT  
EDM. DWIGHT  
JOHN P. ROBINSON  
HENRY WILSON  
GEO. T. CURTIS  
GEO. TYLER BIGELOW  
WM. W. GREENOUGH  
THOS. LAMB  
JOSEPH GRINNELL  
FRANCIS WELCH

JNO. L. DIMMOCK  
 FRANCIS C. LOWELL  
 CALEB CURTIS  
 GEO. HAYWARD  
 AMOS LAWRENCE  
 GEO. DARRACOTT

SIDNEY BARTLETT  
 SEWELL TAPPAN  
 SAML. L. ABBOT  
 JOSEPH BALLISTER  
 HENRY D. GRAY  
 GEO. B. CARY

TO THOMAS B. CURTIS.

*Private and Confidential.*

Mar. 13, 1843.

MY DEAR SIR, — Mr. Cushing will be in Boston, on Friday morning, at the Tremont House, on his way home. As you may suppose, he feels not only grieved, but indignant, at the treatment which he has received from the hands of the Ultra Whigs, in the Senate. In this feeling, I, for one, most heartily partake; and shall not, and cannot, blame him, for any proper resentment, which he may manifest.

Mr. Cushing has been, in my opinion, by far the most efficient friend in Congress of all our N. England interests. Without his unwearied efforts, there would have been no Tariff; and on all great questions, he has pursued, exactly, the principles, upon which the Whigs came into power.

He is now determined, now, to understand what are to be the relations, between him and the Whig Organization of Massachusetts. If the tone which is held towards him, by some of the Whig papers, is to be regarded as sanctioned by the general voice of the Whigs, he only wishes to know it. He asks no favors, of course; but it is no more than right that a clear understanding should exist, all round. There ought no longer to exist a dubious state of relations. Mr. C. will be before the People for re-election. Is he to be opposed, as being no Whig? This is the question.

Mr. Cushing will be glad to see you, on Friday.<sup>1</sup> Meantime, I have no objection to your reading this letter to Mr. Chapman, Chairman of the Whig General Committee. Yours truly

DANL. WEBSTER.

TO THOMAS B. CURTIS.

WASHINGTON, Jan. 17, '44.

MY DEAR SIR, — I thank you for your letter, and am delighted with Govr. Briggs' speech. It had become quite time for us to have *thoroughly sound* doctrine from the Chair of State; and we

<sup>1</sup> Two months later, Cushing was appointed to the China Mission, Edward Everett having declined it.

have got it. I have no doubt it will be well received, throughout the State, and will especially revive the hearts of the Whigs.

I find here a very strong confidence, existing in the minds of sober and calculating men, in Mr. Clay's election. Mr. Van Buren seems to be waning, and many who voted for him in 1840 will not support him again, altho' there should be no alternative but Mr. Clay's election. The Whigs of the South, and the South West, are especially sanguine. Mr. Clay will meet with difficulty, I suppose, in Massachusetts, owing to the particular state of things; but as he is sure to be nominated, it seems proper to do what we can. If the great radical and disorganizing party, which now rejoices in Mr. Van Buren as its leader, and in his opinions and principles, as political standards, can be once more thoroughly beaten, we may yet see better times, and a good Gov[ernmen]t.

Mr. Henshaw appears to have lost his office by shewing bitter intolerance towards others, while he stood in need of tolerance himself.

It is conjectured that Mr. Spencer will find rough travelling through the Senate; but I know no more of these matters than I gather from common talk.

When you have no better employment, pray write to me, under cover to Mr. Choate, or Mr. Evans. I shall be here a month, I suppose, and then go North for a while; and having but little to do, get along very well, notwithstanding continual rainy weather. Yours truly,

DANL. WEBSTER.

TO THOMAS B. CURTIS.

WASHINGTON, Jan. 30, 1844.

MY DEAR SIR, — I am obliged to you for your letter. I have seen your Son,<sup>1</sup> for a moment, and shall try to look him up again today, and his friend Clark.

The notice of Mr. Choate's resignation is at least premature. He is here yet, and I believe speaks today, in the Senate on the Oregon business.

These Newspaper accounts of my being about to go to N. York have annoyed me exceedingly. I really wish the printers would let private men and private things alone. Let me tell you just what has occurred.

I had a quantity of titles to Western lands, which I placed in the hands of an agent in N. Y. to sell, or exchange for productive prop-

<sup>1</sup> Daniel Sargent Curtis.

erty elsewhere, etc. He found a house and a dozen acres of land, the house used as a boarding house, on the Jersey Shore, opposite N. Y. This he took, paying for it some money, and some western lands. And that is all, for rumour No. one. Now for No. 2. I am retained to argue three or four causes, in N. Y. in the course of the Spring and Summer. Some very respectable Young Gentlemen thought it would be convenient for me, and not inconvenient to them, that when in N. Y. on professional business, I should occupy a room near theirs, with access to their Library etc. And this offer, I of course gladly accepted.<sup>1</sup> And that is all of No. 2. What No. 3 will be, cannot be foreseen. I do not wish to make statements about myself, or my purposes, through the press; but I will thank you to say, to all and singular, that I am, and shall be as long as I live, "D. W. of Marshfield, in the County of Plymouth, and Commonwealth of Massachusetts."

It is not likely that I shall long continue to do professional business, any where. And while I continue in my vocation, its principal theatre must of course be Massachusetts; not declining offers, however, which can be conveniently accepted, from other States.

Mr. Clay's friends continue to be confident of his Success. It is most certain that Mr. Van Buren is regarded as a heavy load to carry. Yet, he will be nominated, and you know there is much cohesion in that party. State elections will be taking place throughout the country at or about the same time as the choice of Electors. These elections will bring out parties, strongly, and party feeling and party action being thus roused, Mr. Van Buren's cause, now apparently cold, may be warmed again, and cherished with more zeal and spirit. So that if the Whigs hope to carry the Country, they ought to be prepared for a vigorous contest. I am, Dear Sir, with great regard, Yours,

DANL. WEBSTER.

TO THOMAS B. CURTIS.

BOSTON, Mar. 27, 1844.

MY DEAR SIR, — I am obliged to you for calling my attention to a publication in the New York *Express*, of the 26th instant, appearing in the form of a letter from Washington. So far as it respects me, the whole publication is a tissue of falsehoods, from beginning to end; and I cannot but express my astonishment, that it should have found its way into a respectable paper.

<sup>1</sup> Van Wimble and Moulton. *Private Correspondence of Daniel Webster*, II. 181.

I know not whether it is worth while to take public notice of a statement, or series of statements, at once so false, and so utterly incredible, but you are at liberty to make any use of this letter which you may see fit. Yours with much regard,

DANL. WEBSTER.

TO THOMAS B. CURTIS.

WASHINGTON, Mar. 21, 1850.

MY DEAR SIR, — Except a letter from Mr. Mills,<sup>1</sup> yours was the first to let me know that there were some things in my Speech that Boston people, or some of them could approve. But it informed me, also, much to my regret, that Mr. Stevenson<sup>2</sup> was dissatisfied. There is hardly any one I like better, or whom I should be more glad to please; and I hope, still, that upon reflection, he will modify his feeling.

It is a speech containing two or three propositions, of fact, and law. Mr. Stevenson is a very good judge to decide, whether all or any of these are without foundation. That the speech presents not an agreeable state of things, respecting the slavery question, is plain enough; the question is, does it present the *true* state of things?

I hope to be able to send you, today, a copy of a corrected Edition. I shall send another to Mr. Stevenson; and perhaps he will look the Speech over again. One thing appears to me to be certain, and that is, that if we would avoid rebellion, out-breaks, and civil war, we must let Southern Slavery alone. Another is, that the keeping up of this Slavery agitation, useless as it is, in Massachusetts, disaffects the whole South, Whig and democrat, to all our Massachusetts interests.<sup>3</sup>

But it is enough that you have had to read a Speech. I will not "superinduce," as they say here, the infliction of a political letter.

I have been a sufferer from colds, and a sore throat; but am better, and hope to get to the Senate today. Yours, truly, always,  
DANL. WEBSTER.

I have much occasion to go home, to see to my own affairs; but I cannot leave my place, pending this California question. California will come in, in due time, exactly as she is.

<sup>1</sup> James K. Mills.

<sup>2</sup> J. Thomas Stevenson.

<sup>3</sup> "I know not how to meet the present emergency or with what weapons to beat down the Northern and Southern follies now raging in equal extremes." Webster to Fletcher Webster, February 24, 1850. Van Tyne, *Letters of Daniel Webster*, 393.

TO THOMAS B. CURTIS.

WASHINGTON, Jan. 20, 1851.

MY DEAR SIR, — I received yours of the 18th this morning. No wonder, you decline to contribute further to Colleges, and Theological Schools, until you know whether sedition and licentiousness, or the law and the gospel are to be taught and preached in them. Religious instruction has hitherto been very well supported in this Country, under the voluntary system; but the laxity of morals, and the perverseness of sentiment, prevalent in these times cast a deep cloud over the future.

I cannot but think it to be the duty of the Whigs in the Massachusetts Legislature to join with honest conservative Democrats, and elect any good man of either party. I believe that would be much better than to let the Election go by. For one, if I had a vote, I should not hesitate to give it for a sound, sensible, Union man of the Democratic Party, if I could not elect a decided Union Whig.

I feel as if our Whig friends wanted *decision*. In my opinion, the present is the moment for the friends of the Union to *unite*, and rally in its support. Yours truly

DANL. WEBSTER.

TO THOMAS B. CURTIS.

*Private and Confidential.*

WASHINGTON, Jany. 24th, 1851.

MY DEAR SIR, — I have received your letter of the day before yesterday.

I repeat my earnest opinion, that the true course for the Whigs in the Massachusetts Legislature, is to join the Conservative Democrats, if by so doing they can elect a decided Union Man of that party. I have no doubt that this is better than to put off the election.

Be assured, My Dear Sir, that there is not a syllable of truth, in all you hear about dissensions in the Cabinet, or of the President's joining new friends. The Administration will of course not refuse the support of any, in public life, or in private life, who choose to give it their support, but it will not depart a hair's breadth from the principles upon which it has acted up to this time.

I will send you the Roll of names. Yours truly,

DANL. WEBSTER.

## LETTERS OF FRANCIS BAYLIES, 1827-1834.

The following letters are taken from the collection of Baylies Papers presented by Governor LONG, May, 1910.<sup>1</sup>

TO GULIAN C. VERPLANCK.

TAUNTON, Saturday Evg. Nov. 10, 1827.

MY DEAR SIR, — Yours of Wednesday Evening I received this morning, and I cannot sleep without congratulating you on the unparralled victory in the City. You must know that the effect of this election travels far beyond your limits. It was not so much eleven assemblymen gained to the Legislature of New York, (although that is important,) as this decided demonstration of opinion given by the greatest City of the Union, a City which may well be called its heart, and I think now its head. It demonstrates to this corrupt coalition that public opinion will in time run clear and transparent, although the waters of its fountain head may be defiled. The City of New York operates on the whole Confederacy and produces the same effect on political opinion as her Merchants do in regulating the market, and her Capitalists in establishing the price of stocks; and not even an election there of Charter Officers but what has its effect abroad. It is all important, it puts the battle in our power. Yet even the Jacksonians in New England, who maintain their lonely posts in the heart of the enemys country, may now march under the banner of the Great City, and (I hope) the Great State with Jackson for commander, to a victory as certain as overwhelming and as glorious as that of New Orleans. If the State goes with the City she will, indeed, be placed in a proud position, asking nothing for herself, no state favourite to gratify, no State interest to subserve, nor begging for corps of electioneering Engineers to traverse her domain,<sup>2</sup> — relying on her own resources, independent, impartial and patriotic. Your friend,

FRANCIS BAYLIES.

FROM FRANCIS BAYLIES.<sup>3</sup>

TAUNTON, Nov. 24, 1828.

MY DEAR SIR, — Yours of the 17 I have just received. Lord Nelson after the battle of Aboukir called it a conquest and not

<sup>1</sup> *Proceedings*, XLIII. 547.

<sup>2</sup> A reference to President Adams' policy of internal improvements under the direction of the national government.

<sup>3</sup> An unfinished draft of a letter, without the name of the person to whom it was written.

a victory. So let ours be called. I am beginning to think with Bradley we are getting too Strong. It is always best to have a formidable minority if that minority is honest. If they are rogues that is another thing, — but blessed is the country where the rogues are a minority.

It was an awful disaster to the Ebony men here, they never dreamed that such a result was possible. The wise men of our State not a week before the Pennsylvania election of members of Congress, had put forth their Exposé claiming 16 members, favourable to the Administration from Pennsylvania, and they honestly believed and put their names to the statement. What is peculiarly galling to many of them, they have lost all their spare money and John Q. together. The only way that they could find to vent themselves at first was to utter imprecations on General Jackson, but *the office holders and office expectants* have altered this style of rebuke, and all the Ebonies are now holding a new language. General Jackson, say they, is a man too disinterested and patriotic to remove men from office merely for a difference in opinion, they have entire confidence in his wisdom and forbearance, and are very indignant at suggestions which have been made in some of the papers, that a part of the Electoral votes *should* be diverted from him and given to *another* man, a new candidate, and they warmly resent this imaginary wrong, like an old Englishman who lived in this village, when describing a quarrel in which he had been engaged. Why, said the old fellow, "the people were all surprised to see how mad I was;" and I really am surprised to find how mad those are who have distributed coffin handbills without number and blistered their [tongues] in telling lies about Old Hickory lest he should be wronged. I am certainly growing lukewarm.

In this great battle my New York friends, when you see them, will tell you that I have done my part. I knew where to choose my battle ground. Give me an open field and fair play, and if I am beaten the fault is my own. There is yet another battle to be fought, when the Lyon<sup>1</sup> of the west drives the oriental tyger<sup>2</sup> to his den. There I meet him — perhaps. You must know when I go to Boston I go through Quincy.

Now Colonel, let me know the news. Let me know whether Henry Clay is not grieved to the soul that the "West," the "poor West," has been so gloriously illustrated. How looks the dark browed Cheif of the Massachusetts?<sup>3</sup> And how is the poetical Mr. Storrs.<sup>4</sup> Not even Anti-Masonry could save John Q. Do you

<sup>1</sup> Jackson.<sup>2</sup> Adams.<sup>3</sup> Webster.<sup>4</sup> Henry R. Storrs, of New York.

think old Hickory can spell Massachusetts. The Cabinet, I want to know something, as Governor Metcalf<sup>1</sup> said, "about how the cabinet is to be filled."

I must tax you, Mr. Williams, Verplanck<sup>2</sup> and Jeromus as follows:

1. John Q's last words and dying speech pamphlet form;<sup>3</sup>
2. *All* the documents accompanying the same;
3. Annual Treasury Report (expected to be superfine). You may divide amongst as you will, but these I must have some how, and any thing else which out of your abundance you can supply. Also you in particular if it can be done without trouble:

Chapman Johnson's address pamphlet form

All the Writings of Henry Lee in this Presidential controversy. For this I will pay you tomorrow or soon by others.

FROM HENRY BOWEN.

PROVIDENCE, February 4, 1829.

MY DEAR SIR, — In the contest of '24 Mr. Crawford was the choice of Governor Fenner,<sup>4</sup> Judge Eddy,<sup>5</sup> myself and a few others. In our little State however Mr. Adams had an immense majority. We, therefore, who held State offices, found it necessary to temporize, avowing our approbation of the measures of government so far as they contributed to the general welfare. No Jackson party was organized here or pretended to be, until *after* it was ascertained that the General *was elected*, and even now it is very small. If Rhode Island is to support the administration it must be accomplished by enlisting the *old Republican* party, which we are inclined to effect, and shall, if the measures of government admit, as I have no doubt they will. It is the policy of a small State never to array itself against the majority. No one has a more exalted opinion of the General than I have and no one will more sincerely support him.

You may in truth say to the General, that in the war of 1812 I was the only lawyer in Providence who by speech and writing supported it, and this too at the displeasure of my whole family which *you know* was numerous, respectable and influential.

You can also say, that I have been twice elected Attorney General, and nine times Secretary of State *annually* by the *People*, and am again nominated by the Jackson Convention.

If the General concludes not to nominate Colonel Cole, I am strong in the faith that I shall succeed. Our Delegation in Con-

<sup>1</sup> Ralph Metcalf, of New Hampshire.

<sup>2</sup> Gulian C. Verplanck, of New York.

<sup>3</sup> Annual Message to Congress.

<sup>4</sup> James Fenner.

<sup>5</sup> Samuel Eddy.

gress (with the exception of Mr. Burgess<sup>1</sup> from whom I have not heard) will I have every reason to believe, concur in my recommendation. And I do not believe the General will again nominate the present incumbent, when he reflects that he has already held twenty years, has pocketed at least \$50,000, is a foreigner, without family (except a wife) or connexions in this country, and above all that after receiving so liberal a compensation, he still claims a stipend granted upon the *express presumption* that he is poor and destitute — this is really riding the “free horse to the death.” You will recollect Colonel C. held the office when the limitation by law was five thousand dollars, and when the India trade was extensively promoted. Now the limitation is 3000, and is not worth I am told to exceed 2000.

However the issue is in the womb of futurity. All I hope is that my friends will exert themselves, and come what may I shall be content. Very truly your Friend,

HENRY BOWEN.

Hon. F. Baylies.

TO ANDREW JACKSON.

TAUNTON, November 17, 1829.

SIR, — I had the honour some months since, to address to you some communications on the subject of the appointments of the General Government in Massachusetts, but as those appointments for the most part (particularly in Boston) were made without regard to my views, I supposed that some malign influence had changed that favourable opinion with which I well know I was once regarded by the Chief Magistrate of the Republic. Under this impression I abstained from all further interference, for I will not obtrude my advice on any one, and I endeavoured as well as I could to conceal the mortification and chagrin occasioned by the general disgust with which these appointments were received.

I have witnessed some remarkable transactions. I have seen with astonishment a Post-Master appointed in this Village from amongst your most determined political enemies, from whom but a little more than a year since I was compelled to hear expressions extremely unpleasant to me, for they were uttered against you; whose most active supporter was a person who was diligently employed, during the late Presidential controversy, in writing articles nearly libellous against me for supporting you. I will, however, do the Post Master the justice to say that I believe him well qualified for his place, obliging, active, and hospitable. Of his hospitality I cannot speak from personal knowledge, and therefore refer to that

<sup>1</sup> Tristram Burges.

celebrated and unfortunate character Tobias Watkins,<sup>1</sup> for he partook of it when on his travels in the North. I have no disposition to disturb the Post Master in his Office. I only mention this appointment as evidence brought home to my own door of some very strange influence, or of some gross deception. Notwithstanding this, I remained silent, and silent I should have remained had not a case recently occurred of a character so flagrant that I think my social obligations as a member of society and as a good citizen compel me to interfere, and at least to try the extent of my influence, for if I have any I should hold myself unworthy of the regard of honourable men, if I refrained any longer from its exercise. A silent acquiescence would justly expose me to the imputation of timidity, ingratitude and a reckless disregard of the public good.

The Collector of Boston has within a few days removed from the office of Inspector of the Customs, worth perhaps 10 or \$1100 per annum, the Hon. William C. Jarvis, late Speaker of our House of Representatives. After I had been driven from Congress in consequence of my avowed opinions on the Presidential question,<sup>2</sup> I was honoured by the people of my own Town with a Seat in that Legislative Assembly in which Mr. Jarvis presided. I received from him the most liberal and courteous treatment; and notwithstanding the general prejudices which then prevailed against all who supported you, he had the independence to place me at the head of the most important Legislative Committee. For this act he was denounced in the *Massachusetts Journal*, a paper of which you may have heard, as being the vehicle of many slanders against you, — and so much was his popularity at that time injured by this indication of partiality for a Jackson man, that he came near losing his election as a Senator, when subsequently a candidate for that office in a County where his popularity until that time had been so firmly established, that it was thought impossible to shake it. Throughout the whole controversy for the Presidency his course was tolerant and liberal, and while he fairly supported his own candidate, he was not so reckless of the moral obligation of truth as to deny to the other the more exalted patriotism, or so soured by party rancor as to refrain from acknowledging that he had illustrated the fame of his Country by acts of the most heroic virtue and valour.

Now, Sir, when this gentleman became the victim of persecution

<sup>1</sup> A physician, and until Jackson removed him for peculation, fourth auditor of the United States Treasury. *Memoirs of John Quincy Adams*, VIII. 141, 144, 290.

<sup>2</sup> He ceased to be a member March 3, 1827.

for political offences, for I cannot learn that any other have been charged upon him, and when an appeal had been made to me on questions of fact, could I have remained silent without displaying the most cold hearted indifference to the injuries of one who had exhibited in a remarkable manner his good will to me, and his fairness to you, under circumstances in which most men would have yielded to the violence of that prejudice which then admitted neither excuse or palliation for the slightest deviation from a prescribed course? These are circumstances which test the characters of men. He who can pass through the ordeals of political prosperity and adversity, and exhibit a mild forbearance in one situation and an unyielding firmness in the other, gives some evidence of public virtue. The head of a triumphant party, (as Mr. Jarvis in a manner was, in our State) who could refrain from crushing a political adversary, and could honorably distinguish him before all others, gives more, far more, than those characters who will not trust themselves in the fight when success is dubious, but after the victory, will crowd around the camp to steal the trophies.

The acceptance of this office by Mr. Jarvis occasioned no little surprise. His talents and standing were such as would have justified him in the indulgence of an ambition of a more high reaching character. Such was the estimation in which he was held that but a few years since he received a respectable support for the office of Governor, and amongst his supporters I believe this very Collector was numbered. It is certain that at that time the columns of the *Statesman* were filled with his praises. But he says that he has learned that happy secret the essence of all true philosophy, to expect but little; and to be satisfied with little. That such a man should have consented to serve *under* such a character as David Henshaw, excites my special wonder! That such a man should have been superseded in office by Ephraim May Cunningham, is such an outrage on public feeling, that any Administration which countenances such transactions by sustaining such men will as surely lose the public confidence, as though they had taken their officers from the Penitentiaries; for Cunningham is a traitor to all the obligations of social life, the betrayer of private correspondence, a wretch who has had the audacity to proclaim his own shame, bartered (as I believe) confidential letters if not for money, at least for reward, and has gathered up the vile wages of his infamy from the grave of his father, and who by disclosing the secrets which under the most solemn engagements of fidelity, had been confided to his father by his father's friend and kinsman, the first President Adams, has violated every principle of that chivalrous honor which

holds sacred the reciprocal faith not only of friends, but of honourable enemies.<sup>1</sup>

Sir, I must speak plainly. Henshaw is but little better than Cunningham. That he [is] a liar and slanderer I know. That he is universally odious and contemptible is notorious. That he never embraced your cause until your success was morally certain is equally notorious. That he will betray and desert you, should you experience what I trust and hope you never will experience — the loss of popular favour, — is a moral deduction founded on a knowledge of his character, almost as certain as a fact already ascertained. If he is continued: if he is permitted to wreak his petty malignity upon honorable men for selfish purposes, for no other reason perhaps than this, that some of their connections did not suppose him a suitable person to manage a monied Institution in which they had some interest; if it be the settled policy of the administration to hold out this man to the world as their trusted and confidential friend; the administration will be left without support here, except from those venal sycophants who throng around this “puffed up and petty despot” to obtain offices.

These things I write in sorrow and not in anger. I pray you, Sir, to relieve us from this man, who hangs like a mill-stone around the neck of the party and will inevitably carry all your disinterested supporters here to the bottom.

I have neither personal nor party views to answer, except in one way. I belong neither to the *Statesman* or the *Bulletin*, as the Boston parties are called, but I have been steady in my fidelity to the great Administration party of the Union. Nothing but my attachment to the true interests of that party induces me to take this step: — an attachment which has been strengthened by having shared their toils, when struggling in a minority to bring about an event auspicious as I had confidently hoped to the best interests of the nation. I wish to see the party great, respectable and powerful, winning and deserving the confidence of every man of worth in the community: — and therefore it is that I entreat you not to force this man upon us. If none can be found in this State to whom you would be willing to give this office, give us a Collector from another, and we will be satisfied provided he is a man entitled to our respect. I have the honour to be with great and sincere respect your obedient servant,

FRANCIS BAYLIES.

The President of the United States.

<sup>1</sup> *Correspondence between the Hon. John Adams and the late William Cunningham*, printed in 1823. See *Memoirs of John Quincy Adams*, VIII. 181, 393.

TO CHARLES E. DUDLEY.<sup>1</sup>

TAUNTON, November 17, 1829.

DEAR SIR, — Although I have not the honour of an intimate acquaintance with you, yet through the medium of common friends in the State of New-York I have acquired such a knowledge of your character as emboldens me to ask you to use your influence to prevent the confirmation of David Henshaw as Collector of Boston. He is so universally odious and contemptible, that if he is confirmed the cause of the administration is hopeless in this State, and the struggle to sustain it may as well be relinquished. In the exercise of his power he has been so reckless of public opinion, so impolitic, so malignant and so selfish, that there is an universal outcry against him. I trust it cannot be the purpose of this Administration to place a petty and contemptible despot in office to enable him to wreak his personal malignity upon individuals, and to fill all his subordinate offices from amongst his own toad-eaters, wholly regardless of the great interests of the party to which he professes to belong. I write this to you, Sir, in confidence, and I hope the urgency of the case will furnish my justification with you for the liberty I have taken. I am with much respect, Your obedient servant

FRANCIS BAYLIES.

TO HUGH LAWSON WHITE.<sup>2</sup>

TAUNTON, November 17, 1829.

MY DEAR SIR, — I take the liberty to enclose to you a copy of a letter which I have addressed to General Jackson. I have taken this liberty, Sir, because you know personally whether I have any claims to the confidence of this administration or not. You, Sir, know my fidelity under trying circumstances, but you do not know nor never can know the extent of my sacrifices; I will not enlarge on them. In my opinion the vilest deceptions have been practiced, or else the cause of the administration would never have been placed in such hands as it has been. If this Henshaw is sustained, we may as well relinquish all attempts to sustain the Administration here. Such attempts will be hopeless. I write in confidence and with the best intentions. I would have written to Mr. [Levi] Woodbury the only administration Senator from New England, but report says that some family connection of his is expecting a place in the Custom House through the patronage of Henshaw. I

<sup>1</sup> A senator from New York.

<sup>2</sup> A senator from Tennessee.

do hope, Sir, that the President will not persist in forcing upon us a character so universally odious. Believe me, Sir, to be yours, with the most sincere respect and esteem,

FRANCIS BAYLIES.

TO LITTLETON W. TAZEWELL.<sup>1</sup>

TAUNTON, November 17, 1829.

MY DEAR SIR, — Perhaps I am taking a great liberty, but if I am, I must rely on a quality of which I know you to possess an abundance for my excuse.

I take the liberty, Sir, to enclose to you a copy of a letter which I have addressed to the President on a local subject. I ask you to consider it with the same spirit in which you consider all questions — the spirit of a man of honour.

The conduct of David Henshaw, Collector of Boston, is so stupid as well as malignant, that he contrives by every act of power which he exercises to make an hundred enemies to the administration and no friends. There was, I know, a general disposition amongst our more sober-minded and respectable citizens in this quarter, at the time General Jackson came into the Presidency, to sustain his administration, and to ask nothing from him but a selection from his own party of their most respectable men to fill the offices which should be vacated. Some removals they expected, and they acquiesced in the political necessity which, it was supposed, rendered such a course unavoidable; but they cherished the hope that the hand of reform would not seize upon such as gained their daily bread by their daily labour, and [take] them from employments to which they were fashioned by habit, and compel them to seek other modes of livelihood for which they had lost the *tact*.

You have a specimen of the ruthless conduct which has been pursued at Boston in the communication which I have made to the President, and I again ask of you as a man of honour, whether this Collector ought to be sustained and countenanced by the administration. I know, Sir, that the meanest artifices will be used to produce an impression that I am seeking this office, but I certainly should hesitate a long time before I took it, if it was offered, disgraced as it has been in this man's hands. I certainly have no craving desire to possess it, and would with pleasure see it [in] the hands of *any* man of honour. He has represented me as having pushed my claim on this office by direct application. Neither the President or the Cabinet or either of them can say that I applied

<sup>1</sup> A senator from Virginia.

to them for any office. No friend of mine, no mortal can say, that I ever authorized them to make application in my behalf. One of the objects of my journey to Washington last spring was to prevent the state of things into which we have now fallen, and to endeavour to render the pressure of the hand of power as gentle as practicable. I had incurred some responsibility, and had given many assurances, in which I thought myself warranted, that the course of the Administration would be liberal and magnanimous. If this petty despot is suffered to wreak his petty vengeance upon men more respectable and deserving than himself, because he was dismissed from the direction of a bank a transaction in which they had no agency, and thus sacrifice the substantial interests of the party to which he professes to belong, to the gratification of his own malignant temper, he will leave the Administration without a supporter amongst the people here. It certainly appears to me to be better for them to gain the good will than the ill will of any State, even if the opposing State should be Massachusetts. I have written to you, Sir, confidentially and truly. . . .

Permit me with the most sincere respect to subscribe myself your friend,

FRANCIS BAYLIES.

TO EDWARD LIVINGSTON.<sup>1</sup>

TAUNTON, November 20, 1829.

MY DEAR SIR, — If it be wrong to say a word to you on a subject about which you *may* be called to act in the Senate of the United States I must look to your charity for my excuse, and rely on the correctness of my motives for my justification. A David Henshaw has been appointed Collector of the Port of Boston. This appointment must have been effected by much deception, and a very false estimate must have been put on his character and on the weight of his influence. This circumstance has had a paralyzing effect upon the exertions of the disinterested friends of General Jackson in this State. The administration is now judged only by its appointments, as general measures have not as yet furnished the material either for praise or censure, and it is requiring too much of any honourable friend of the administration that he should justify their appointments. You must understand, Sir, that I belong to neither of the parties in Boston known by the names of the *Statesman* and the *Bulletin*, but consider myself in no other light than as one of the great administration party.

This Henshaw has already contrived to render himself so odious

<sup>1</sup> A senator from Louisiana.

and contemptible to all here (except a little knot of miserable blackguards who expect little places through his patronage), that the *hue and cry* of the whole community begins to pursue him. He acts like a hog in a clover field and seems to think that his whole business is to feed and to root.

You know my whole course during the late controversy, and you know whether I ever deserted the banner or ever faltered in one instance in my fidelity to the party with whom I was associated, and you may therefore judge whether I have the interest of the administration party at heart or not. I understand that this man and his partizans is supposed at Washington to represent the old democracy of this State. Ten years ago I did not know that there [was] such a man in existence. You may therefore judge of his standing with the Democratic party. The men with whom he is associated were never known at all until they were hauled out of their mud holes since his appointment to the Custom-House.

The descendants of Samuel Adams, the Austins and the Jarvisses to a man, as I believe, hold him in utter detestation and contempt. He has lately displaced the Hon. Wm. C. Jarvis nephew to the celebrated Dr. Charles Jarvis, a gentleman of talents, popular eloquence, and one who has received many distinguished marks of popular favour, from a little office in the Custom House worth \$1100 per annum, and has supplied his place by one Cunningham a Federalist, but a vile one, who betrayed confidential letters as I believe for money, and violated every principle of that honourable faith which even honourable enemies respect and without which the world in all its moral relations would be disorganized. Do you think that such a character who would sell his father's good name would be inaccessible to a bribe? Another Federalist, John B. Derby, was appointed by him to the office of Inspector, but he refused the office, through pride I hope, but I do not know. Another Federalist, Sam. C. Phillips, through the instrumentality of this man as I understand, has been appointed Collector of Newburyport. Through the agency of him and his tools another Federalist has been appointed P. M. in this Town, and yet I understand that the doctrine which he maintains is that none but democrats are entitled to office. The fact is that every miserable creature in the community, the refuse of both of the old parties who can so far debase themselves as to submit to be his tools, are taken up by him with avidity and the sin of Federalism is in reality to be visited upon only one, upon me alone, and that by the hand of General Jackson!!! To effect this he has pursued me with slanders and lies.

He represents every where that I solicited the office of Collector

of Boston. It is a lie. I can prove it by General Jackson and every member of the Cabinet.

He represents me as having meanly endeavoured to obtain credit for writing a series of numbers in the New York papers during the Presidential Controversy with a view to aid the election of Gen. Jackson, which were finally embodied in four pamphlets, and which were not written by me but by my Brother.<sup>1</sup> Now, Sir, I appeal to General Wool and Mr. Verplanck, to whom they were transmitted, and to the Editor of the *Albany Argus*,<sup>2</sup> by whom they were published, to say whether I ever endeavoured to obtain any credit at all for them, and whether it was not my request that the author should not be disclosed, and whether the disclosure was made either by my consent knowledge or suggestion; and further as to the one called The Contrast, to which Henshaw applied his observations, I wrote every word of alone, without communicating with any one, and my Brother never knew of it until I shewed it to him in the *Albany Argus*. As to the others they were shewn to him but he supplied not a word, some three or four words were omitted at his suggestion, and the structure of one or two sentences altered, but his emendations were merely verbal. He has represented me as a Hartford Convention Federalist. Now, Sir, if I had been a *Hartford Convention Federalist*, I should not think the sin might be remitted to me under the circumstances. When that unfortunate measure was adopted I had been admitted to practice a little more than four years, was a young man and not in political life and could act not otherwise than by expressing opinions on measures as they came out, amongst those with whom I happened to associate. But it so happened that I found myself at that time in the same situation here as I have found myself three or four times since, *i. e.* for none can say that the measure of assembling a Convention at Hartford was not extremely popular at that time in this State, but yet my opinions were decidedly against it. Of this I can bring proof Federal and Democratic as to my opinions which were expressed openly: but of what consequence was my opinion? I was a young man without influence, and could manifest in no other way my opinion than by expressing it in the circle in which I was placed. I give you these as a sample of the lies by which the only man in this State who sacrificed station, popularity and business prospects, to support General J. has been pursued by a fellow, I believe, at the time when I was the marked man who uttered foul abuse against him. Now, Sir, I do say that if this man is sustained, if the belief becomes universal in this quarter that he is a trusted

<sup>1</sup> William Baylies.

<sup>2</sup> Edwin Crosswell.

and confidential friend of the Administration, we may as well give up the attempt to sustain them in this State, to do which there was before his appoint[ment] a strong inclination. I am warranted in saying that I speak the feeling of the Community when I say, he is utterly odious and contemptible. . . .

Accept my best wishes for your health and prosperity, and believe me to be with great respect, your friend and servant,

FRANCIS BAYLIES.

TO JOHN E. WOOL.

MY DEAR GENERAL, — Yours of the     I have received and most warmly accept the tender, and reciprocate the sentiment.

You mention writing several letters previous to your last. I received but two, one written just before the commencement of your tour to the Lakes and one after your return. The reason why the first was not answered, was this, I knew you was gone from home. The reason why the second was not immediately answered is this — I am afraid of the *P. O's*<sup>1</sup> at this time I therefore sent my answer by William Crocker to be placed in the N. Y. Office.

Now I am about putting your friendship to the test, for since I have seen you I have engaged in an affair which I should never of myself have attempted had it not been for circumstances mentioned in the enclosed copy of a letter which I have written to the President the original being contained in the enclosure directed to him. This you see is the death struggle between me and Henshaw and is a bold experiment on the Character of the Chief. It will be received exactly according to the degree of prejudice which exists in his mind. If these scoundrels have poisoned it he will be excited with anger; if not he may be disposed to search for the real truth. At any rate after an appeal of this character has been made to me by the late Speaker Jarvis, who has manifested peculiar good feeling towards me, I should be a rascal did I not attempt at least to save him, and it can be done in no other way than by prostrating Henshaw. That is the object we wish to effect. There can be no compromise. The affair is submitted to your care so far as that you *with your own hand* will deliver the letter for him, and with your own hand the several letters to Mess. White, Livingston, Judge Smith<sup>2</sup> and Mr. Tazewell. Thus you see I have now got into my hands this tangled web, whose threads I am endeavouring to take up.

The democratic part of Adams' supporters have now thrown

<sup>1</sup> Post-offices.

<sup>2</sup> Samuel Smith, a senator from Maryland.

themselves upon me, and appealed to my sense of honour [and] gratitude, by the special obligations, and in short every feeling which ought to regulate one who means to be a good citizen. The active and business Federalists have done the same. The *Bulletin* party have done the same. The Dons hug their wealth, and take but little interest in passing events. The people are to be appealed to, and I am assured from every quarter that the character of Henshaw is viewed with detestation and contempt by all, and that 1500 names of the most respectable of the men of business in Boston will be attached to the remonstrance for his removal. The clamour is now general for my appointment from political friends and political enemies, Federalists and Democrats. I have told them to confine themselves to a single object, the removal of Henshaw. A good general never has but one object, and that is the main one. Every thing else is left to your discretion whether to interfere personally or not, *but the letters we entrust to you*. I wish I could write a connected history of the whole movement and of the manner in which I became engaged, but it is impossible at present. You will see from the copy of the letter to the President the nature of the attempt. This fellow must be prostrated or all who compose this administration will be prostrated here. They have gulld both Calhoun and Van Buren. And unless both can get rid of them, the State of Massachusetts is dead against them. Perhaps it may not be for Clay if the system is changed. One other copy of the letter is enclosed to Judge White of Tennessee in whose honour and sagacity I have great faith. I wish I could forward to you copies of all the letters which I have written to the Senators but have not time.<sup>1</sup>

[Unfinished.]

<sup>1</sup> He appears to have written to nineteen members of Congress on this subject. Some of his reasons against writing to others were:

"I should have written to Mr. Woodbury but I cannot satisfy myself as to the relation between him and Henshaw. It has been confidential but I now believe there is bitter enmity — yet it may be confidential again.

"I should also have written to Colonel Benton with whom I have ever maintained a relation of the most friendly character, but Colonel Benton brought Duff Green from Missouri.

"With Governor Dickerson my relations have been the same; but I cannot tell how far he may have imbibed the notion that Henshaw has superseded the descendants of Samuel Adams, the Austins and the Jarvisses, as a representative of the old democracy of Massachusetts. He should be undeceived but perhaps I am not the best person to do it.

"To Mr. Dudley of N. Y. I should have written, but cannot ascertain the extent of the political connection between Van Buren and Henshaw.

"To Colonel Hayne of S. C. I should have written, for I know Hayne to be a man of intellect and honour, but I am not exactly [certain] how far he would go to sustain Mr. Calhoun to whom he is devoted."

TO JOHN W. TAYLOR?<sup>1</sup>

BOSTON, January 29, 1830.

MY DEAR SIR, — Yours of the                      was received in due season, and also two documents since. The letter of which you speak was entrusted to a private conveyance, and that is the reason why it was not sooner received by you. Be pleased, Sir, to accept for these and for many other testimonials of good will and friendship my most grateful acknowledgments. I hope you will continue your favours, and enlighten me as to the true state of affairs. You must know that I am singled out by a desperate and contemptible knot of political adventurers as a mark for calumny, secret detraction and secret persecution, and of all the friends of General Jackson in New England, I alone have positively suffered in the cause, and am in a worse situation than I was before. It was very easy for me to have retained my seat in Congress had I yielded to the multitude and swam with the current, but I had something which is called principle or which I thought was principle. Mr. Adams I knew well and therefore it was that I could not support him. General Jackson I thought I knew, and therefore it was that I supported him.

If from your more important avocations you could sometimes snatch a few moments and favour me with your views on current events, you would do me an essential favour. I have not seen Mrs. Baylies since the receipt of your letter; for although I live but a short distance from Boston, yet I have been for the last ten days tied down in our Legislature trying in my humble way, to prevent what I think a ruinous attempt, which may involve our State in many calamities. We are infected with the epidemic madness of the times and without a dollar in the Treasury or any solid resources. A scheme of internal improvement is thrown upon us, involving an expenditure of ten millions which is supported by the principal political characters of the State. None are averse to projects of improvement, but we wish to commence moderately and to shape our efforts according to our means. This has prevented me from returning. I shall, however, return tomorrow, and will in due form present your remembrances to her.

Should you have leisure to comply with my request please to direct to Taunton.

Be pleased Sir to accept my best wishes for your health and prosperity. Remember me kindly to Miss Taylor, and believe me to be, with sincere respect, your Friend and obdt. Servt.

FRANCIS BAYLIES.

<sup>1</sup> M. C. from New York.

## TO WILLIAM BAYLIES.

TAUNTON, February 9th, 1834.

MY DEAR SIR, — From mere ennui I went to Boston last Tuesday, and remained until Saturday. There is nothing very interesting to relate of the Tremont. Old Boyden eats devilled Steaks for supper, and I got into his mess. Dwight Boyden<sup>1</sup> has got married and Stetson has got back. Old Whitney<sup>2</sup> is laid up with the gout, and Munson "een tho vanquish'd he can argue still."<sup>3</sup> Reed<sup>4</sup> soaks a little, George Perkins not so much and is very benevolent. The pride of the navy has the handsomest sleigh in Boston, and Poppet looks divinely. Bates has married Mrs. *Killman* and grows rusty. Chapman<sup>5</sup> is down to attend the General Court, with his fascinating wife and beautiful little girl; his next boy is to be called William Baylies. My friend Slacum who is here sports Harriet against the world, and declares as I understand in all companies that she is the most wonderful child in both the America's like Gen. Wheeler's song

As for beauty and good sense,  
She does exceed to the extent.

He had Gen. Sullivan's son John to dine with him on Friday, who I think one of the most wonderful characters in America. His personations of Uncle Ben and other Yankee characters, Mr. Kemble and Mr. Wood pronounce to be far superior to those of Matthews. On the guitar and piano he is great, in singing greater, and Garrick himself would have been puzzled to have better personated George Blake<sup>6</sup> when reading a newspaper at the Suffolk, his rising to spit in the fire, and his comments, etc. Col. Dwight goes the entire animal Kitchin Cabinet and all, and makes better speeches than any man in the House. Saltonstall seems as Tillinghast did one day after dinner when he was for taking up the line of march for Washington.

Dr. Barstow<sup>7</sup> and Mr. Byers,<sup>8</sup> two '98 democrats and Senators

<sup>1</sup> Dwight, Frederick and Simeon Boyden were connected with the Tremont House at this time.

<sup>2</sup> Josiah Whitney, merchant, then living at the Tremont House.

<sup>3</sup> Israel Munson, merchant. *Ib.*

<sup>4</sup> John T. Reed, of Faulkner and Reed, English goods. *Ib.*

<sup>5</sup> Henry Chapman, of Greenfield, Mass.

<sup>6</sup> A prominent Boston lawyer and politician, and for many years United States District Attorney. He died in 1841.

<sup>7</sup> Gideon Barstow, from Essex County.

<sup>8</sup> James Byers, from Hampden County.

of Mass., now swear there is nothing so odious as democracy, that money and talents ought to make Aristocrats, and Aristocrats thus made ought to control public opinion. Comment, both are very rich. Even Col. McKay doubts whether democracy helps a man much after he is 40 years old.

Shaw says he is willing to play second fiddle to no man but Wm. Baylies, under him he is willing to be Lieutenant Governor.

Miss Fanny Kemble is delighting the public, but her lover Peirce Butler looks sneaking.

Old Daniel Davis<sup>1</sup> thinks Speaker Calhoun Speaker of the United States.

A duel has been fought or acted on old Moses Brown's farm, and the moral and religious people on this subject are *enragées*. The quarrel grew out of a woman, Miss Marshall, sister to Otis's wife.<sup>2</sup> She was here a short time ago on a visit to Harrison Pratt. No body here would have fought a duel with gravel stones for her. One party was one of the Marblehead Hoopers and the other a young Jones from North Carolina,<sup>3</sup> who has been collecting authorities here for a history of North Carolina of which State he is Secretary and has written a life of Gaston. I would as soon undertake to write a history of Pawtucket as North Carolina, but the duel of a distinguished son had it not been bloodless, might have made an incident, — the second forgot the words!

The Antimasons are now High Church and Low Church. A serious Schism has taken place from the great desire amongst some of their leaders such as Pliny Merrick,<sup>4</sup> etc., to get Governor Lincoln<sup>5</sup> into Congress, which will be effective. Mike Ruggles<sup>6</sup> and Hallett<sup>7</sup> are for war to the knife and war to the hilt. 'Tother day, Mike called little Allen<sup>8</sup> of Worcester, another Antimason, a little

<sup>1</sup> An eminent lawyer, at one time solicitor of Massachusetts. He died at Cambridge in 1835.

<sup>2</sup> Emily Marshall, often called the "beautiful Miss Marshall," married William Foster Otis. She was daughter of Josiah Marshall.

<sup>3</sup> Joseph Seawell Jones, of Shocco, North Carolina. An amusing account of this "duel" will be found in George N. Evans' "Reminiscence of Joe Sewall Jones," in *Publications of the Southern History Association*, x, 144. Cooper is there given as the name of his antagonist. Another and different account is in R. B. Creecy's "What I know about 'Shocco' Jones," in Series II of the *Historical Papers*, published by the Historical Society of Trinity College, Durham, N. C., 31.

<sup>4</sup> 1794-1867.

<sup>5</sup> He succeeded John Davis, who had resigned his seat in Congress.

<sup>6</sup> Micah H. Ruggles, of Troy, Bristol County.

<sup>7</sup> Benjamin F. Hallett, editor of the *Daily Advocate*.

<sup>8</sup> Charles Allen.

dog and bark'd at him in the General Court. The Antimasons of this County say they are sick of Mike.

Money, money, money is the constant cry.<sup>1</sup> One day I went into State Street and met Buckingham<sup>2</sup> after money. He wanted \$100, and declared he did not know where to get it. John D. Williams<sup>3</sup> was the next, and he had turned all his ardor into another channel, forgot Antimasonry, and seemed fully persuaded that the Administration were worse than the Masons. I went into the City Bank to sit a while with Williams.<sup>4</sup> While I was there, six or eight came in with the best of paper as they said. Very sorry, sir, we cannot accommodate you, sir; we have no means, was the unvarying response. Our old friend from Norton<sup>5</sup> is at Boston and has plunged *in medias res*. He gets 16, 18 and 20 per cent. His son in law, Dr. Strong<sup>6</sup> (a sharp one), operates for him. He certainly will fetch 90 and possibly 100. Williams says money is constantly coming in from the country. Hoards long hidden from the light are brought out and placed *on good security*, on an interest all the way from 12 to 20 per cent. Truly if this is a battle between the poor and the rich the rich will gain it. John A. Parker was compelled to exhibit; he shewed \$687,000, after meeting *every* liability. The joint security of Nat Russell with Barna. Hedge and N. M. Davis was doubted for a while.<sup>7</sup> One says, Old Hickory ought to be hung. Another says, Old Hickory would be honest if it was not for that damd, sneaking, Kinderhook, *low dutch* Jacobin of a Van Buren. A third is for a *rising*. A fourth says, the Union an't worth a damn. A fifth says, suspend specie payments. Another says, Calhoun and McDuffie<sup>8</sup> are great men, and true patriots. Another says, their nullification is all a humbug and ought to be forgotten:—the nullifiers are the best men we have. Damn the pet bank, says another, and all the feather merchants and brimstone traders, and the Kitchen Cabinet, head and tail. Another says, hang Taney, Amos Kendall, and Whitney side by side. When the news of Knower's<sup>9</sup> failure came, there was a general whira!

<sup>1</sup> The letter was written during the disturbances that accompanied Jackson's attack on the Bank of the United States, and his experiments in government deposits.

<sup>2</sup> Either Joseph T. or Joseph H. Buckingham, editors of the *Boston Courier*.

<sup>3</sup> A wine merchant at 33 South Market street.

<sup>4</sup> Probably Eliphalet Williams, the cashier of the City Bank.

<sup>5</sup> Daniel Wheaton (1767-1841).

<sup>6</sup> Dr. Woodbridge Strong.

<sup>7</sup> All of Plymouth.

<sup>8</sup> George McDuffie, of South Carolina.

<sup>9</sup> Benjamin Knower, of New York. Van Buren was not involved in the failure.

Damn the Regency Bank. Van Buren must be on his paper. I hope the whole will go and the whole string of western regency Banks.<sup>1</sup> Oh tis glorious says one who reads Shakespeare "to see the Engineer hoisted with his own petard."

I wish the Government would tell the American people whether they approve or condemn my conduct at Buenos Ayres.<sup>2</sup> I take it for granted that they are now convinced that they will have no Minister from there. A fair field and the whole told. I ask no favors. I have the President's approbation signified to me officially by Mr. Livingston,<sup>3</sup> and yet it would seem as though they were keeping me in reserve to act with me according to circumstances. We are all well, and all send our love to yourself, General and Mrs. Wool. Yours allways,

FRANCIS BAYLIES.

Remarks were made during the meeting by Messrs. NORCROSS, HART, DAVIS, RHODES, and DANA.

<sup>1</sup> A reference to the Albany Regency, and to the banks favoured by being made depositories of the United States revenues.

<sup>2</sup> He had been chargé d'affaires from January 3 to September 3, 1832.

<sup>3</sup> Edward Livingston.